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Ruth Brown <ruth@loevy.com>

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## Flores v. Guevara, et al

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Elena Favela <Elena@borkanscahill.com>

Mon, Aug 28, 2023 at 1:26 PM

To: Jon Loevy <jon@loevy.com>, "arthur@loevy.com" <arthur@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Ruth Brown <ruth@loevy.com>, "Russell@loevy.com" <Russell@loevy.com>, "ethan@loevy.com" <ethan@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "jsotos@jsotoslaw.com" <jsotos@jsotoslaw.com>, "dbrueggen@jsotoslaw.com" <dbrueggen@jsotoslaw.com>, "Josh M. Engquist" <jengquist@jsotoslaw.com>, "kchristie@jsotoslaw.com" <kchristie@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "tballard@jsotoslaw.com" <tballard@jsotoslaw.com>, Eileen Rosen <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, "lferrise@rfclaw.com" <lferrise@rfclaw.com>, "tcarney@rfclaw.com" <tcarney@rfclaw.com>, "khutson@rfclaw.com" <khutson@rfclaw.com>

Cc: Steven Borkan <sborkan@borkanscahill.com>, Tim Scahill <TScahill@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Kellie Voss <Kellie@kmltldlaw.com>, Wendy Chasteen <Wendy@kmltldlaw.com>

Good afternoon,

Please see attached.

Thank you,

Elena Favela

Legal Assistant

Borkan & Scahill, Ltd.

20 South Clark Street

Suite 1700

Chicago, IL 60603

Tel: (312) 580-1030

Fax: (312) 263-0128

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### 4 attachments

 **COS - Notice of Sub Dep - Thurmond.pdf**  
57K

 **Notice of Dep - Thurmond.pdf**  
53K

 **Notice of Subp Dep - Thurmond.pdf**  
54K

**Exhibit 1 at 001**



**Subpoena for Deposition - S Thurmond.pdf**

506K

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Ruth Brown <ruth@loevy.com>

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## Flores v. Guevara, et al

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Elena Favela <Elena@borkanscahill.com>

Mon, Aug 28, 2023 at 4:10 PM

To: Jon Loevy <jon@loevy.com>, "arthur@loevy.com" <arthur@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Ruth Brown <ruth@loevy.com>, "Russell@loevy.com" <Russell@loevy.com>, "ethan@loevy.com" <ethan@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "jsotos@jsotoslaw.com" <jsotos@jsotoslaw.com>, "dbrueggen@jsotoslaw.com" <dbrueggen@jsotoslaw.com>, "Josh M. Engquist" <jengquist@jsotoslaw.com>, "kchristie@jsotoslaw.com" <kchristie@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "tballard@jsotoslaw.com" <tballard@jsotoslaw.com>, Eileen Rosen <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, "lferrise@rfclaw.com" <lferrise@rfclaw.com>, "tcarney@rfclaw.com" <tcarney@rfclaw.com>, "khutson@rfclaw.com" <khutson@rfclaw.com>

Cc: Steven Borkan <sborkan@borkanscahill.com>, Tim Scahill <TScahill@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Kellie Voss <Kellie@kmltldlaw.com>, Wendy Chasteen <Wendy@kmltldlaw.com>

Good afternoon,

Please see attached.

Thank you,

Elena Favela

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### 2 attachments



**COS - Notice of Dep - Cody.pdf**  
57K



**Notice of Dep - Cody .pdf**  
54K

**Exhibit 1 at 003**

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Ruth Brown <ruth@loevy.com>

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**Flores v. Guevara, et al**

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**Ruth Brown** <ruth@loevy.com>

Tue, Aug 29, 2023 at 3:41 PM

To: Elena Favela <Elena@borkanschill.com>

Cc: Jon Loevy <jon@loevy.com>, "arthur@loevy.com" <arthur@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, "Russell@loevy.com" <Russell@loevy.com>, "ethan@loevy.com" <ethan@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "jsotos@jsotoslaw.com" <jsotos@jsotoslaw.com>, "dbrueggen@jsotoslaw.com" <dbrueggen@jsotoslaw.com>, "Josh M. Engquist" <jengquist@jsotoslaw.com>, "kchristie@jsotoslaw.com" <kchristie@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "tballard@jsotoslaw.com" <tballard@jsotoslaw.com>, Eileen Rosen <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, "lferrise@rfclaw.com" <lferrise@rfclaw.com>, "tcarney@rfclaw.com" <tcarney@rfclaw.com>, "khutson@rfclaw.com" <khutson@rfclaw.com>, Steven Borkan <sborkan@borkanschill.com>, Tim Scahill <TScahill@borkanschill.com>, Emily Schnidt <eschnidt@borkanschill.com>, Misha Itchhaporia <MItchhaporia@borkanschill.com>, Molly Boekeloo <MBoekeloo@borkanschill.com>, Graham Miller <GMiller@borkanschill.com>, Whitney Hutchinson <WHutchinson@borkanschill.com>, Kellie Voss <Kellie@kmlldlaw.com>, Wendy Chasteen <Wendy@kmlldlaw.com>

Counsel:

Please send proof of service by Friday, if you have served any of these witnesses.

Thanks,  
Ruth

[Quoted text hidden]

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Ruth Brown  
Loevy & Loevy  
311 N. Aberdeen St., 3rd Floor  
Chicago, Illinois 60607  
(312) 243-5900  
She/her  
[ruth@loevy.com](mailto:ruth@loevy.com)

**Exhibit 1 at 004**

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Ruth Brown &lt;ruth@loevy.com&gt;

**Flores v. Guevara, et al**

Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Thu, Aug 31, 2023 at 12:04 PM

To: Ruth Brown &lt;ruth@loevy.com&gt;, Elena Favela &lt;Elena@borkanscahill.com&gt;

Cc: Jon Loevy <jon@loevy.com>, "arthur@loevy.com" <arthur@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, "Russell@loevy.com" <Russell@loevy.com>, "ethan@loevy.com" <ethan@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "jsotos@jsotoslaw.com" <jsotos@jsotoslaw.com>, "dbrueggen@jsotoslaw.com" <dbrueggen@jsotoslaw.com>, "Josh M. Engquist" <jengquist@jsotoslaw.com>, "kchristie@jsotoslaw.com" <kchristie@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "tballard@jsotoslaw.com" <tballard@jsotoslaw.com>, Eileen Rosen <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, "lferrise@rfclaw.com" <lferrise@rfclaw.com>, "tcarney@rfclaw.com" <tcarney@rfclaw.com>, "khutson@rfclaw.com" <khutson@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schmidt <eschmidt@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Kellie Voss <Kellie@kmltldlaw.com>, Wendy Chasteen <Wendy@kmltldlaw.com>

Counsel,

Please provide your basis for demanding that we effectuate service on witnesses by Friday (and provide you proof of same) for depositions that are not noticed to proceed until November. Are you asking for this simply as a courtesy or is this request pursuant to rule?

We noticed these depositions consistent with Fed. R. Civ. P. 30(b)(1). As far as we are aware, there is no rule requiring us to get subpoenas served within three or four days of issuance or anything even close to that. Rule 45 specifies that the standard is reasonable time for compliance relative to the time of the deposition. If your position is that reasonableness is over two months prior to a deposition proceeding and within three or four days of issuance, please advise and direct us to a rule or a case holding as such.

We can assure you that steps will be taken to get these deposition subpoenas served on the deponent well in advance of the noticed deposition date and with all deliberate speed in order to ensure a reasonable time for compliance under Rule 45. If we cannot get them served for some reason or another, we will be sure to tell you well before the depositions.

If the purpose of your request is a precursor for some future attempt to issue a competing subpoena for the same witness already properly noticed by an opposing party, we strongly caution you against engaging in such an inappropriate tactic and will seek court intervention if you proceed in this fashion.

We also note that your office has issued numerous subpoenas in recent cases involving Defendant Guevara which: (1) were not served within your self-imposed arbitrary deadlines in your below e-mail; and (2) which you failed to provide notice or proof of service to us for weeks or months. This includes several instances where your office appears to have served deposition subpoenas on third parties for August deposition dates and provided no notice to us until *after* the date for compliance had already passed.

**Exhibit 1 at 005**

We are, of course, happy to have a discussion about deposition scheduling in this case to accommodate witnesses and counsel. However, given the practices of your office and this most recent request to us, we will need an explanation so we can make sure everyone is operating under the same set of rules. It should go without saying that making demands of an opposing party to do things that your office has itself failed to do is not a particularly productive way to proceed through discovery.

Finally, we also remind you of your obligations under Fed. R. Civ. P. 26(a) to provide us any known addresses or locations of witnesses in this case. If your Fed. R. Civ. P. 26(a) disclosures contain inaccurate addresses or telephone numbers for any witnesses, please provide this information to us immediately and, at the latest, by Friday, September 1, 2023.

Thanks,

Timothy P. Scahill

Borkan & Scahill, Ltd.

Two First National Plaza

20 South Clark Street

Suite 1700

Chicago, Illinois 60603

Telephone: (312) 580-1030

Fax.: (312) 263-0128

---

**From:** Ruth Brown <ruth@loevy.com>

**Sent:** Tuesday, August 29, 2023 3:41 PM

**To:** Elena Favela <Elena@borkanscahill.com>

**Cc:** Jon Loevy <jon@loevy.com>; arthur@loevy.com; agbiro@loevy.com; carbajal@loevy.com; Russell@loevy.com; ethan@loevy.com; gee@loevy.com; jsotos@jsotoslaw.com; dbrueggen@jsotoslaw.com; Josh M. Engquist <jengquist@jsotoslaw.com>; kchristie@jsotoslaw.com; Maurice C. Hunt <mhunt@jsotoslaw.com>; tballard@jsotoslaw.com; Eileen Rosen <erosen@rfclaw.com>; Andrew Grill <agrill@rfclaw.com>; Austin Rahe <arahe@rfclaw.com>; Catherine M. Barber <cbarber@rfclaw.com>; Jessica Zehner <jzehner@rfclaw.com>; lferrise@rfclaw.com; tcarney@rfclaw.com; khutson@rfclaw.com; Steven Borkan <sborkan@borkanscahill.com>; Tim Scahill <TScahill@borkanscahill.com>; Emily Schnidt <eschnidt@borkanscahill.com>; Misha Itchhaporia <MItchhaporia@borkanscahill.com>; Molly Boekeloo <MBoekeloo@borkanscahill.com>; Graham Miller <GMiller@borkanscahill.com>; Whitney Hutchinson <WHutchinson@borkanscahill.com>; Kellie Voss <Kellie@kmltldlaw.com>; Wendy Chasteen <Wendy@kmltldlaw.com>

**Subject:** Re: Flores v. Guevara, et al

Counsel:

Please send proof of service by Friday, if you have served any of these witnesses.

**Exhibit 1 at 006**

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Ruth Brown &lt;ruth@loevy.com&gt;

**Flores v. Guevara, et al**

Ruth Brown &lt;ruth@loevy.com&gt;

Tue, Sep 5, 2023 at 3:46 PM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Cc: Elena Favela <Elena@borkanscahill.com>, Jon Loevy <jon@loevy.com>, "arthur@loevy.com" <arthur@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, "Russell@loevy.com" <Russell@loevy.com>, "ethan@loevy.com" <ethan@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "jsotos@jsotoslaw.com" <jsotos@jsotoslaw.com>, "dbrueggen@jsotoslaw.com" <dbrueggen@jsotoslaw.com>, "Josh M. Engquist" <jengquist@jsotoslaw.com>, "kchristie@jsotoslaw.com" <kchristie@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "tballard@jsotoslaw.com" <tballard@jsotoslaw.com>, Eileen Rosen <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, "lferrise@rfclaw.com" <lferrise@rfclaw.com>, "tcarney@rfclaw.com" <tcarney@rfclaw.com>, "khutson@rfclaw.com" <khutson@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Kellie Voss <Kellie@kmltldlaw.com>, Wendy Chasteen <Wendy@kmltldlaw.com>

Counsel - we were not requesting that you effectuate service by Friday, just asking that you send any proofs that you had already obtained prior to serving the deposition notice. Based on your email, it appears that you served deposition notices on us without having first served the witnesses with deposition subpoenas, so that answers our question.

We are not aware of the basis for holding those depositions based on a notice without underlying service, as Defendants have attempted here, and doing so creates a lot of practical problems. That said, we are amenable to a mutual agreement, for purposes of the **Flores**, **Lugo**, and **Davila** cases only, that for witnesses who have not yet been served, we can agree that the first notice will go first provided that, within a reasonable timeframe, service is effected and proof provided to the other side. If service is not effected and proof provided within a reasonable timeframe, then whoever serves the witness first gets to depose the witness first. Of course, such an agreement is contingent on Defendants agreeing that Plaintiff gets to question first those witnesses whom Plaintiff both noticed first and served first (specifically, Ivar Velasco, in Davila and Lekisha Rivera in Lugo). On that note, this is our second request for Defendants to advise on their availability for those depositions as requested. Let us know if we are agreed as to the above for those cases.

As for witness information, we agree to timely supplement, and ask that all Defendants confirm that they will do the same. We were not able to meet your extremely short September 1 deadline, but propose the parties agree to mutually exchange supplements with updated contact information, to the extent it is known to the parties, by September 15. Let us know if that works for all Defendants.

On Thu, Aug 31, 2023 at 12:04 PM Tim Scahill <TScahill@borkanscahill.com> wrote:

Counsel,

Please provide your basis for demanding that we effectuate service on witnesses by Friday (and provide you proof of same) for depositions that are not noticed to proceed until November. Are you asking for this simply as a courtesy or is this request pursuant to rule?

We noticed these depositions consistent with Fed. R. Civ. P. 30(b)(1). As far as we are aware, there is no rule requiring us to get subpoenas served within three or four days of issuance or anything even close to that. Rule 45 specifies that the standard is reasonable time for compliance relative to the time of the deposition. If your position is that reasonableness is over two months prior to a deposition proceeding and within three or four days of issuance, please advise and direct us to a rule or a case holding as such.

**Exhibit 1 at 007**

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Ruth Brown <ruth@loevy.com>

## Flores - notice of depositions

**Ruth Brown** <ruth@loevy.com>

Tue, Sep 5, 2023 at 3:48 PM

To: "Catherine M. Barber" <cbarber@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Kara Hutson <khutson@rfclaw.com>, "David A. Brueggen (DBrueggen@jsotoslaw.com)" <dbrueggen@jsotoslaw.com>, "Kyle T. Christie" <kchristie@jsotoslaw.com>, Josh Engquist <Jengquist@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, Jim Sotos <jsotos@jsotoslaw.com>, Tonet Ballard <TBallard@jsotoslaw.com>, Graham Miller <gmiller@borkanscahill.com>, Steven Borkan <sborkan@borkanscahill.com>, Misha Itchhaporia <mitchhaporia@borkanscahill.com>, "tscahill@BorkanScahill.com" <tscahill@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Whitney Hutchinson <whutchinson@borkanscahill.com>, Molly Boekeloo <mboekeloo@borkanscahill.com>, Carla Agbiro <agbiro@loevy.com>, Russell Ainsworth <Russell@loevy.com>, Ruth Brown <ruth@loevy.com>, Lauren Carbajal <carbajal@loevy.com>, Jon Loevy <jon@loevy.com>, Ethan Woodward <ethan@loevy.com>, Lauren Lebata <lauren@loevy.com>, Bethan Gee <gee@loevy.com>

Counsel:

Please see the attached notices, and let us know if the noticed dates are inconvenient for defense counsel. If so, please provide alternate dates that work for Defendants.

--  
Ruth Brown  
Loevy & Loevy  
311 N. Aberdeen St., 3rd Floor  
Chicago, Illinois 60607  
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She/her  
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 **2023.09.05 NoD Tony Valdez, Kathleen Cody (Flores).pdf**  
135K



LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Lugo v. Guevara, et al****Tim Scahill** <TScahill@borkanscahill.com>

Fri, Sep 8, 2023 at 3:47 PM

To: Ruth Brown &lt;ruth@loevy.com&gt;

Cc: Elena Favela <Elena@borkanscahill.com>, "agbiro@loevy.com" <agbiro@loevy.com>, "arthur@loevy.com" <arthur@loevy.com>, Jon Loevy <jon@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, "Russell@loevy.com" <Russell@loevy.com>, "ethan@loevy.com" <ethan@loevy.com>, Bethan Gee <gee@loevy.com>, "jsotos@jsotoslaw.com" <jsotos@jsotoslaw.com>, "cgolden@sotoslaw.com" <cgolden@sotoslaw.com>, "dmcginnis@jsotoslaw.com" <dmcginnis@jsotoslaw.com>, "Josh M. Engquist" <jengquist@jsotoslaw.com>, "Lranum@jsotoslaw.com" <Lranum@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, Eileen Rosen <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, "lferrise@rfclaw.com" <lferrise@rfclaw.com>, "tcarney@rfclaw.com" <tcarney@rfclaw.com>, "khutson@rfclaw.com" <khutson@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Kathryn Boyle <kboyle@borkanscahill.com>, Kellie Voss <Kellie@kmltldlaw.com>, Wendy Chasteen <Wendy@kmltldlaw.com>

Counsels,

Thank you for your response. It seems clear that further discussion needs to be had on these issues before any depositions proceed.

With respect to your statements that you "are not aware of the basis for holding those depositions based on a notice without underlying service," the basis is Federal Rule of Civil Procedure 30(a) and 30(b)(1) which are the applicable rules for noticing *all* depositions in civil cases. While Rule 30(a) provides that "[t]he deponent's attendance *may* be compelled by subpoena under Rule 45," there is, in fact, no requirement whatsoever that a subpoena be issued for this deposition at all much less that it be served before a party's notice under Rule 30(b)(1) is considered valid. See *DIRECTV, LLC v. Spina*, 2016 WL 11458295, at \*1 (S.D.Ind., 2016) ("It is not necessary to serve a subpoena on a person that voluntarily appears for a deposition."). And, of course, there are consequences for failing to serve a third party witness who later does not appear at a deposition already baked into Rule 30 itself. See Fed. R. Civ. P. 30(g)(2). In short, it is our position that the service of a subpoena under Rule 45 is essentially a meaningless event as far as deposition priority is concerned.

There are no practical problems with abiding by Rule 30 as a method of noticing depositions in this case or any other. It is your office's method that creates "practical problems." For reasons that are not entirely clear, your office has repeatedly issued subpoenas and served witnesses for depositions without notifying the other side for weeks or months (and, in several instances, until the subpoenaed deposition has already passed) and at locations that are often inconsistent with the locations you have disclosed in your own Rule 26(a) disclosures. There is very little to be gained from both parties racing to effectuate service of a subpoena on the same witness without notifying the other side or, worse, hiding from an opposing party the fact that a subpoena has been issued for a deposition in the first place. This is particularly impractical and unfair when one side has location information for witnesses which is not provided to the opposing side in blatant violation of Rule 26(a).

When your office issued a flurry of subpoenas all at once with highly unrealistic dates, this practice seemed to us to be little more than gamesmanship designed to attempt to secure your place in line with all the most important witnesses so you could get first crack at questioning them. This belief was confirmed by your e-mail which seeks our agreement that the parties should proceed in this fashion with respect to priority and your admission that the dates on your subpoenas are "placeholder" dates.

**Exhibit 1 at 009**

We are, of course, willing to have a discussion regarding deposition priority and scheduling on all of these cases. However, we cannot agree to your "footrace to service" proposal to govern deposition priority. It is our position that priority in questioning witnesses should be governed by the nature of the witness's current anticipated testimony as opposed to simply looking to which party happened to fire off a placeholder subpoena or notice first at the very beginning of the case. This is not only the most fair way to proceed in these cases but is, in fact, the way that the Rules are designed to operate. See Fed. R. Civ. P. 26, 1970 Committee Comments ("This new provision is concerned with the sequence in which parties may proceed with discovery and with related problems of timing. The principal effects of the new provision are first, to eliminate any fixed priority in the sequence of discovery, and second, to make clear and explicit the court's power to establish priority by an order issued in a particular case. A priority rule developed by some courts, which confers priority on the party who first serves notice of taking a deposition, is unsatisfactory in several important respects...Subdivision (d) is based on the contrary view that the rule of priority based on notice is unsatisfactory and unfair in its operation."); *Lumpkin v. Kononov*, 2013 WL 1343666, at \*1 (N.D.Ind.,2013)("Under the federal rules, a discovery priority is not established based upon which party noticed a deposition first, but rather, Rule 26(d) authorizes the court to order the sequence of discovery upon motion."); *U.S. v. Bartsch*, 110 F.R.D. 128, 129 (N.D.Ill.,1986) ("[I]t is clear that the priority rule, which confers priority on the party who first serves notice of taking a deposition, is abolished by Rule 26(d).").

Among the noticed/subpoenaed depositions that your office has initiated in these recent cases are numerous witnesses who have claimed various mistreatment by the defendants in this case in the past or recanted or denied statements attributed to them by these defendants, persons who you or your client(s) have procured affidavits from to assist them in their various post-conviction petitions, friends and family members of your own clients, and even people that your office has asserted an attorney-client relationship. It is our position that many of the depositions that your office has subpoenaed and/or noticed fall firmly into categories where your office should not be given priority in questioning these witnesses first. We will obviously follow these rules as well. For example, we will generally agree to your side questioning non-party police officers first.

With respect to the depositions that your office has subpoenaed to proceed in September and October in these cases, we object to those depositions proceeding on the dates and times on your subpoenas. Unless you agree to our above-proposal with respect to deposition sequencing, there appears to be a high possibility that we may need to seek court intervention under Rule 26(d) to establish priority at depositions. Beyond that, there is also an enormous volume of written discovery still outstanding as well as subpoenas for key documents from third parties which have not been received (and which your office has lodged objections which will need to be sorted out). We will not be forced to take a deposition of a material witness in the defense of our case before receiving the relevant universe of documents that might be needed simply because your office (who have had these cases in the criminal setting for many years before this civil case) has chosen to attempt to depose these witnesses at the very beginning of the case.

Please confirm that you will reach out to the persons you have subpoenaed for any September and October depositions and advise them that the dates on which their depositions were noticed are being rescheduled by the attorneys. We will, of course, do the same as necessary for the depositions we have noticed and subpoenaed in that time frame. If you are not willing to do that, please advise immediately so we can seek judicial intervention if necessary.

Finally, please advise your availability for some dates over the next two weeks where we can confer on these matters to either broker an agreement or reach a formal impasse to frame out the issues for the Court.

Thanks and have a nice weekend,

Timothy P. Scahill

Borkan & Scahill, Ltd.

Two First National Plaza

20 South Clark Street

**Exhibit 1 at 010**

LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Lugo v. Guevara, et al****Ruth Brown** <ruth@loevy.com>

Tue, Sep 12, 2023 at 11:27 AM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Cc: Elena Favela <Elena@borkanscahill.com>, "agbiro@loevy.com" <agbiro@loevy.com>, "arthur@loevy.com" <arthur@loevy.com>, Jon Loevy <jon@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, "Russell@loevy.com" <Russell@loevy.com>, "ethan@loevy.com" <ethan@loevy.com>, Bethan Gee <gee@loevy.com>, "jsotos@jsotoslaw.com" <jsotos@jsotoslaw.com>, "cgolden@sotoslaw.com" <cgolden@sotoslaw.com>, "dmcginnis@jsotoslaw.com" <dmcginnis@jsotoslaw.com>, "Josh M. Engquist" <jengquist@jsotoslaw.com>, "Lranum@jsotoslaw.com" <Lranum@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, Eileen Rosen <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, "lferrise@rfclaw.com" <lferrise@rfclaw.com>, "tcarney@rfclaw.com" <tcarney@rfclaw.com>, "khutson@rfclaw.com" <khutson@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Kathryn Boyle <kboyle@borkanscahill.com>, Kellie Voss <Kellie@kmltdlaw.com>, Wendy Chasteen <Wendy@kmltdlaw.com>

Counsel:

This email responds to your correspondence on depositions noticed and subpoenaed in Flores, Davila, and Lugo.

To recap, Plaintiff conducted investigation and served subpoenas for depositions on various witnesses who have been disclosed in the parties' Rule 26(a)(1) disclosures in this case. Plaintiff did so to ensure that he could take the deposition of important witnesses and question them first at their depositions. After serving those subpoenas, Plaintiffs served a notice of the depositions that had been served. Specifically, on August 25, Plaintiff served deposition notices, with proofs of service, for witnesses on Ivar Velasco (Davila) and Lekisha Rivera (Lugo). On September 5, Plaintiff further noticed depositions of Tony Valdez (Flores) and Luis Rosario, Martin Rossi, and Jose Velez (Davila). Plaintiff informed Defendants that the subpoenaed and noticed dates were placeholders, and that, if Defendants were unavailable, Plaintiff was willing to work with Defendants to ensure that the depositions took place on dates where the witnesses and all counsel were available.

Defendants served deposition notices of their own during this timeframe - for example, on August 28, noticing depositions of Scott Thurmond, Gina Cody, Katheline Cody, and Lisa Cody (Flores).

Defendants have objected to Plaintiff's subpoenas and notices, as set out in your emails below. Defendants' objection appears to be that Plaintiff should not be permitted to question witnesses first who Plaintiff first subpoenaed. (In addition, Defendants contend that some of the subpoenaed deposition dates in cases other than Lugo, Davila, or Flores had passed by the time the depositions were noticed, but as explained to witnesses and Defendants, the dates were placeholders.)

Defendants' objections to the subpoenas and notices, and their contention that they should proceed first in questioning these witnesses, are without merit. For starters, the various law firms who represent Defendants in this case have taken varying positions in multiple civil cases. Sometimes asserting that the first subpoena served on a witness established priority; other times arguing that the notice controlled. See, e.g., Savory v. Cannon, No. 17 C 204 (N.D. Ill.); Rivera v. Guevara, et al., No. 12 C 4428 (N.D. Ill.); Reyes v. Guevara, et al., No. 18 C 1028 (N.D. Ill.). In some cases, counsel have even taken the position that expression of intent to take a deposition is enough to secure priority in questioning witnesses. Walker v. Burge, No. 21 C 4231 (N.D. Ill.). Here Defendants have taken a position convenient to themselves—e.g. that later-served notices without service trumps effected subpoenas and notices.

Defendants' position is without legal support. Every legal principle that potentially applies here justifies Plaintiff questioning these witnesses first. "Unless the parties stipulate or the court orders otherwise for the parties' and witnesses' convenience and in the interest of justice: (A) methods of discovery may be used in any sequence; and (B) discovery by one party does not require any other party to delay its discovery." Fed. R. Civ. P. 26(d)(3). There is no justification for Defendants to delay discovery that Plaintiff wishes to take and has secured by permissible discovery mechanisms.

Moreover, courts repeatedly have held that the first deposition subpoena or notice served controls the order of questioning at a deposition at a third-party witness deposition, including in another Guevara case where the Defendants, represented by the same counsel here, subpoenaed a witness first and sought to go first. Reyes v. Guevara, No. 18 C

**Exhibit 1 at 011**

1028 (N.D. Ill.) (January 31, 2019 ruling on Ms. Mejia's deposition); see also Occidental Chem. Corp. v. OHM Remediation Services, 168 F.R.D. 13, 14 (W.D.N.Y. 1996) (holding that where two subpoenas were served, the first served took priority); Tate v. City of Chicago, No. 18 C 7439, 2020 WL 5800817, at \*2 (N.D. Ill. Sept. 29, 2020) ("[T]here is no good reason for Plaintiffs' counsel to question . . . first at a deposition noticed by Defendants.").

Even adopting Defendants' view that, all things being equal, the Court retains the authority to sequence discovery, Fed. R. Civ. P. 26(d), Advisory Committee Notes to 1970 Amendment, Defendant's view that the equities weigh in favor of them questioning these witnesses first does not hold water. First, Plaintiff bears the burden of proof in this case, and Plaintiff intends to call the witnesses in question in his case-in-chief at trial, cross-examining them where necessary about their past statements procured during Defendants' investigation. Federal Rule of Civil Procedure 30(c) dictates that "[t]he examination and cross examination of a deponent proceed as they would at trial under the Federal Rules of Evidence, except Rules 103 and 615." Fed. R. Civ. P. 30(c)(1). That is alone reason to let Plaintiff question these witnesses first at a deposition.

Second, in many cases, these witnesses either provided underlying testimony against Plaintiff in his criminal case, or are hostile to Plaintiff, which are additional recognized reasons to let Plaintiff question them first at their depositions. See Lumpkin v. Kononov, 2013 WL 1343666, at \*1 (N.D. Ind. Apr. 3, 2013) ("[T]he party whose witness is being deposed generally knows what the witness's testimony will be, and the purpose of the deposition is to allow the other side to find out what the witness knows about the matter.").

Third, Plaintiff should be allowed to question the witnesses first because it will aid the jury's comprehension of the evidence at trial. In the event that these witnesses are unavailable for trial, their deposition testimony may be read at trial in lieu of live testimony. If Defendants have questioned first, and Plaintiff second, then the testimony will be backwards and will need to be heavily edited for trial. In such circumstances, judges in this District repeatedly have allowed plaintiffs to questioning witnesses first, even when they have not first served them or noticed their depositions. E.g., Walker v. Burge, No. 21 C 4231 (N.D. Ill.) (Order of July 7, 2023); Rivera v. Guevara, No. 12 C 4428 (N.D. Ill.) (Order of March 12, 2013). Accordingly, even using Defendants' proposed framework for deciding, Plaintiff would have priority to question these witnesses first.

At the end of the day, Defendants' proposal appears to be this: let the Defendants decide who they will question first in third-party witness depositions, regardless of diligence. We cannot agree to schedule depositions pursuant to a system where the Defendants evaluate testimony, decide whether they wish to question first, and then assert that they will do so with no regard to Plaintiff's notice or completed service of a deposition subpoena.

Plaintiff has made great efforts to ensure that depositions of important third-parties proceed on the discovery schedule established in this case. There is no reason to delay those depositions. Certainly, Defendants cannot establish good cause for a protective order to prevent the depositions from taking place.

Plaintiff intends to proceed with his noticed depositions as scheduled, questioning first. Of course, as we have stated, we are happy to work with Defendants on the dates for particular depositions, if there are dates that do not work for you. Please provide us with your available or dates on which you have conflicts before close of business on Friday, September 15, 2023

To the extent Defendants intend to raise the issue with the Court, now that we are at impasse, we ask that you attach this correspondence as a summary of our position, and that you file any motion before close of business on Friday, September 15, 2023, so that additional scheduled depositions are not delayed.

Separately, we also did not hear back from you regarding Defendants' supplementation of their Rule 26(a)(1) disclosures with updates as to contact information. Please propose a date on which Defendants agree to a mutual supplementation of contact information for witness disclosures. Also, Defendants have redacted a number of social security numbers and dates of birth in their production, maintaining an asymmetrical information advantage pursuant to which Defendants, alone, have this information for use in locating witnesses. No basis exists for the redaction, and we ask Defendants to reproduce documents with this information unredacted by the end of the week.

Thank you, as always, for your cooperation in this matter.

Sincerely,  
Ruth

On Fri, Sep 8, 2023 at 3:47 PM Tim Scahill <[TScahill@borkanscahill.com](mailto:TScahill@borkanscahill.com)> wrote:

Counsels,

**Exhibit 1 at 012**

**Davila - deposition notice**

Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Fri, Sep 15, 2023 at 3:52 PM

To: Ruth Brown &lt;ruth@loevy.com&gt;

Cc: "Catherine M. Barber" <cbarber@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Kara Hutson <khutson@rfclaw.com>, Tonet Ballard <TBallard@jsotoslaw.com>, Josh Engquist <Jengquist@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Jim Sotos <jsotos@jsotoslaw.com>, "Mark F. Smolens" <msmolens@jsotoslaw.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Steven Borkan <sborkan@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Russell Ainsworth <russell@loevy.com>, Lauren Carbajal <carbajal@loevy.com>, Carla Agbiro <agbiro@loevy.com>, Ethan Woodward <ethan@loevy.com>, Lauren Lebata <lauren@loevy.com>, Bethan Gee <gee@loevy.com>

Counsel,

Thanks for your response and your agreement to forbear proceeding with the otherwise scheduled depositions until the parties can agree, at minimum, on mutually agreeable dates for them to proceed. Once we weed through the below issues, we will be happy to figure out mutually agreeable dates for all noticed and/or subpoenaed depositions.

The purpose of our prior correspondence was to attempt to frame the issues so that the parties could have a productive (and necessary) conference under Local Rule 37.2 which requires either a telephonic or in person conference before the filing of any motion. Indeed, we specifically asked for you to provide us your availability for same. You ignored this request, unilaterally declared an impasse, and demanded that we instead file a motion by today. We intend to follow the rules of the Court and not your self-imposed directives as to how we should proceed. We ask again for you to provide your availability for the required LR 37.2 conference. As you are aware, in *Rivera*, Judge Harjani recently strongly encouraged the parties to work these issues out short of judicial intervention and we suspect other judges will respond similarly.

We also note that your unilateral claims of an impasse on this issue seem a little odd since your e-mail, among other things, acknowledges that resolution of a deposition priority dispute should consider the nature of the particular witness's testimony and cited one of the same cases we cited to you. See 9/12 email ("[I]n many cases, these witnesses either provided underlying testimony against Plaintiff in his criminal case, or are hostile to Plaintiff, which are additional recognized reasons to let Plaintiff question them first at their depositions."). As you know, this is exactly the point we made in our correspondence and an issue which inherently requires an examination of each witness's particular circumstances.

Your reference to the recent *Walker* case is also puzzling on this point. As you are well-aware, your office's position in that case a mere two months ago was that "the Rules make clear that '[t]here is no longer any fixed rule for priority of discovery scheduling—no first come, first served rule applies' and that the question of priority should be determined by looking to the alignment of the witness's testimony to one party or another under the circumstances of the case. See *Walker*, Dckt. No. 222 at ¶¶ 10, 22. In that case, it was the defendant who first noticed a deposition and your office (successfully) argued that you should nonetheless be permitted first crack at the witness because of the nature of his testimony. In the short span of two months or so, your office has apparently decided that "first come, first served" has always been the rule despite representing to the Court in *Walker* that it was not. Has the law changed since your office took this position? If so, please let us know where we might find this because it appears to us that you are simply changing your characterization of the law for strategic purposes.



Given your claims in your e-mail and the position your office took in June in the *Walker* case, it does not actually seem like there is a complete impasse at all. Rather, this suggests that the parties are somewhat in agreement about the relevant standard and need to have a discussion about the alignment of each witness under this standard.

With respect to 26(a) disclosures, I am not sure what you are referring to with respect to not hearing from us about updating our disclosures. The time for the parties to make 26(a) disclosures has already passed. The Rules require supplementation with new information. We are not brokering a different deadline with you. Rule 26(a) is a self-effectuating rule and all parties have a duty to update these with information as they know about it. To my knowledge, our disclosures of confirmed contact information are current with the exception of subpoenas we have issued which we copied your office on before they were even attempted to be served (a courtesy that your office repeatedly has not returned to us for reasons that remain unclear). We will, of course, abide by the rules as new information is received, if any. Once again, if you have any information about any witnesses including addresses or telephone numbers, we are again demanding that you immediately update any information inconsistent with what you have represented in those disclosures.

In sum, we have lodged an objection to your noticed depositions and are, once again, requesting that you make yourself available for the required conference under Rule 37.2 with respect to these. Once these communications have been exhausted as required, we will determine whether we believe court intervention is necessary. It remains our hope that we can avoid this entirely or, at minimum, narrow the disputed issues.

Thanks,

Timothy P. Scahill

Borkan & Scahill, Ltd.

Two First National Plaza

20 South Clark Street

Suite 1700

Chicago, Illinois 60603

Telephone: (312) 580-1030

Fax.: (312) 263-0128

**From:** Ruth Brown <ruth@loevy.com>

**Sent:** Tuesday, September 12, 2023 11:27 AM

**To:** Tim Scahill <tscahill@borkanscahill.com>

**Cc:** Catherine M. Barber <cbarber@rfclaw.com>; Theresa B. Carney <tcarney@rfclaw.com>; Lauren Ferrise <lferrise@rfclaw.com>; Austin Rahe <arahe@rfclaw.com>; Eileen E. Rosen <erosen@rfclaw.com>; Jessica Zehner <jzehner@rfclaw.com>; Andrew Grill <agrill@rfclaw.com>; Kara Hutson <khutson@rfclaw.com>; Tonet Ballard <TBallard@jsotoslaw.com>; Josh Engquist <Jengquist@jsotoslaw.com>; Caroline P. Golden <cgolden@jsotoslaw.com>; Daniel J. McGinnis <dmcginnis@jsotoslaw.com>; Lisa Meador <LMeador@jsotoslaw.com>; Jim Sotos <jsotos@jsotoslaw.com>; Mark F. Smolens <mamolens@jsotoslaw.com>; Molly Boekeloo <MBoekeloo@borkanscahill.com>; Steven Borkan <sborkan@borkanscahill.com>; Misha Itchhaporia <MItchhaporia@borkanscahill.com>; Emily Schnidt <eschnidt@borkanscahill.com>; Whitney Hutchinson <WHutchinson@borkanscahill.com>; Russell Ainsworth <russell@loevy.com>; Lauren Carbajal <carbajal@loevy.com>; Carla Agbiro <agbiro@loevy.com>; Ethan Woodward <ethan@loevy.com>; Lauren Lebata <lauren@loevy.com>; Bethan Gee <gee@loevy.com>

**Subject:** Re: Davila - deposition notice

**Exhibit 1 at 014**

LOEVY + LOEVY

Ruth Brown <ruth@loevy.com>

## Flores - notice of deposition

Ruth Brown <ruth@loevy.com>

Tue, Sep 19, 2023 at 3:10 PM

To: "Catherine M. Barber" <cbarber@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Kara Hutson <khutson@rfclaw.com>, "David A. Brueggen (DBueggen@jsotoslaw.com)" <dbrueggen@jsotoslaw.com>, "Kyle T. Christie" <kchristie@jsotoslaw.com>, Josh Engquist <Jengquist@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, Jim Sotos <jsotos@jsotoslaw.com>, Tonet Ballard <TBallard@jsotoslaw.com>, Graham Miller <gmiller@borkanscahill.com>, Steven Borkan <sborkan@borkanscahill.com>, Misha Itchhaporia <mitchhaporia@borkanscahill.com>, "tscahill@BorkanScahill.com" <tscahill@borkanscahill.com>, Emily Schnidt <eschmidt@borkanscahill.com>, Whitney Hutchinson <whutchinson@borkanscahill.com>, Molly Boekeloo <mboekeloo@borkanscahill.com>, Carla Agbiro <agbiro@loevy.com>, Russell Ainsworth <Russell@loevy.com>, Ruth Brown <ruth@loevy.com>, Lauren Carbajal <carbajal@loevy.com>, Jon Loevy <jon@loevy.com>, Ethan Woodward <ethan@loevy.com>, Bethan Gee <gee@loevy.com>, Arthur@loevy.com

Counsel:

Please see the attached deposition notice, deposition subpoena, and proof of service. Please let us know if the noticed date is inconvenient for any defense counsel, and if so, suggest alternative dates on which you are available. Otherwise, we will understand that you are available on the noticed date.

We note that it appears that Defendants' Rule 26(a)(1) disclosures were not up to date with their knowledge as to contact information for this witness. Plaintiff made exhaustive efforts to serve Mr. Thurmond prior to that date, and was only able to do so after Defendants finally disclosed their knowledge of his address in an unserved notice of deposition on August 28.

Defendants have also improperly redacted Mr. Thurmond's personal identifying info, such as his birthdate from documents in the case - on that note, we reiterate our prior, unanswered request for unredacted copies of the investigative and permanent retention file so that Defendants do not maintain an asymmetrical information advantage to information required to locate witnesses in the case.

Thank you for your attention to these matters,  
Ruth

--  
Ruth Brown  
Loevy & Loevy  
311 N. Aberdeen St., 3rd Floor  
Chicago, Illinois 60607  
(312) 243-5900  
She/her  
[ruth@loevy.com](mailto:ruth@loevy.com)

 2023.09.19 Nod Thurmond (w PoS) (1).pdf  
634K

LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Davila - deposition notice****Ruth Brown** <ruth@loevy.com>

Wed, Sep 20, 2023 at 1:24 PM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Cc: "Catherine M. Barber" <cbarber@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Kara Hutson <khutson@rfclaw.com>, Tonet Ballard <TBallard@jsotoslaw.com>, Josh Engquist <Jengquist@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Jim Sotos <jsotos@jsotoslaw.com>, "Mark F. Smolens" <msmolens@jsotoslaw.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Steven Borkan <sborkan@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Russell Ainsworth <russell@loevy.com>, Lauren Carbajal <carbajal@loevy.com>, Carla Agbiro <agbiro@loevy.com>, Ethan Woodward <ethan@loevy.com>, Lauren Leбата <lauren@loevy.com>, Bethan Gee <gee@loevy.com>

Dear Counsel,

In response to your emails on this subject, the plaintiffs in the Guevara cases have made multiple suggestions about how the priority in questioning should be resolved in depositions where subpoenas and notices have been served by the parties. In addition, we have explained our reasons for thinking that Defendants do not have a good argument, under any rubric, for questioning the witnesses first in depositions subpoenaed and noticed by the plaintiff.

In response to our last email, Defendants have stated that we are not at an impasse on this issue. However, we have not heard any proposal from Defendants about how to resolve the question of priority in questioning that Defendants have raised. Please provide us with Defendants' proposal about how the parties should resolve this issue.

If Defendants intend to take different positions on this issue in different Guevara cases, please let us know those positions and the reasons that they differ from case to case. If Defendants claim that the issues are witness-specific, please provide us with a complete list of witnesses that Defendants are insisting they should get to question first and why, and which witnesses they acknowledge that Plaintiffs may question first.

To the extent that Defendants continue to maintain that some or all of the depositions should be delayed until the conduct of additional discovery, your proposal should include which specific depositions should be deferred for additional discovery and until when.

You asked for times when we might confer. We are available next Friday afternoon. Please provide your proposal for resolving the parties' dispute and available times by close of business on Monday. Please be advised that, given the need to confer internally across different counsel, we require Defendants' position significantly in advance of any scheduled meeting or will have to reschedule. We will set up a Zoom, so that we satisfy the meet-and-confer requirement for judges who require an in-person or video meeting.

We would like to move oral discovery forward expeditiously to avoid prejudice to Plaintiffs due to delay. That said, we can agree to reschedule all depositions scheduled through October 2 in order to provide additional time to confer, provided Defendants agree that they will not move forward with any depositions before that date as well. Please confirm. Please also be aware that we do not agree to indefinitely suspend depositions noticed for after that date, and thus, even setting aside the question of questioning priority, we continue to request that Defendants promptly provide their dates of availability for depositions to the extent that the noticed dates cannot be accommodated by the defense attorneys on the case.

Thanks,  
Ruth

On Fri, Sep 15, 2023 at 3:52 PM Tim Scahill <TScahill@borkanscahill.com> wrote:

Counsel,

**Exhibit 1 at 016**



**Davila - deposition notice**

Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Fri, Sep 22, 2023 at 3:35 PM

To: Ruth Brown &lt;ruth@loevy.com&gt;

Cc: "Catherine M. Barber" <cbarber@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Kara Hutson <khutson@rfclaw.com>, Tonet Ballard <TBallard@jsotoslaw.com>, Josh Engquist <Jengquist@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Jim Sotos <jsotos@jsotoslaw.com>, "Mark F. Smolens" <msmolens@jsotoslaw.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Steven Borkan <sborkan@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Russell Ainsworth <russell@loevy.com>, Lauren Carbajal <carbajal@loevy.com>, Carla Agbiro <agbiro@loevy.com>, Ethan Woodward <ethan@loevy.com>, Lauren Lebata <lauren@loevy.com>, Bethan Gee <gee@loevy.com>

Counsel,

Thanks for your response. We are happy to propose a process for resolving this.

First, to answer your threshold questions, we do not intend to take different positions in the Guevara cases at issue in these series of e-mails. I think that much has been clear across the board from the nearly identical e-mails we have sent on this topic on these Guevara cases. If your office agrees to do the same, we will abide by this as well.

In that regard, I have asked the same question of the attorneys from your office (several times) and still have not received any clear answer. I'm going to try one more time: is it going to be your position that "first in time" should govern deposition priority in these cases or that other standards should be applied? Your office continues dumping a series of alternative arguments on why you should be able to take the lead on every deposition in every case. As you know full well, your positions are not only *internally* contradictory but contradicted by the position your office took most recently in the *Walker* case where your office specifically and unequivocally disavowed the "first in time" standard.

You have asked us to provide a fact specific summary of our positions on all of the noticed/subpoenaed witnesses across a number of cases but you have continually refused to even tell us what standard you intend to apply in these discussions. As set forth below, we are amenable to this. However, if you want a productive discussion, please start by clarifying what your position on the prevailing standard should be and we can work backwards. Saying "we should get everything we want regardless of the standard" and moving the goalpost whenever you want to suit whatever result you want is extremely unhelpful in resolving this dispute. If your firm is going to continue to revert back to a "first in time" argument on the depositions you noticed first and something different on the ones we did, it does not seem like we are going to get very far in figuring this out.

Second, if you want to discuss allocation of priority on a witness by witness basis based on witness alignment and the substance of each's testimony (which is the prevailing standard), we are, of course, amenable to that in principle. We are also agreeable to an exchange of positions on witnesses in advance of such a discussion (including whether we believe that there are gaps in discovery that need to be addressed prior to any particular deposition proceeding). However, this exchange of positions will need to be a mutual exchange (i.e. both parties exchange lists simultaneously). Please advise whether you are amenable to this and we can figure out a date to exchange and a date after that to confer on any disagreements. It is probably not realistic to both exchange these lists and confer on all these cases by next Friday but we will prioritize scheduling this meet and confer shortly after we exchange lists so we can continue moving forward in all of these cases.

Additionally, it seems to us that doing one mass conferral on all cases on the dozens of depositions at issue across the board is not going to be a particularly effective or efficient exercise given the different teams of attorneys on each and the possibility of judicial intervention in specific cases before different judges. Once we exchange positions on witnesses on each case, we can set up brief calls on each to weed through case specific disputes, if necessary.

Third, as far as timing of depositions, we advanced a whole host of available dates across the board in our own depositions notices beginning in November and spanning through December. All of this, of course, is subject to disposition of this issue, witness availability, and future disputes that the parties may have with respect to discovery objections.

Finally, you asked us to confirm that we will not move forward with depositions scheduled before October 2. We have stated at least three times prior that we will agree to continue all depositions that have been subpoenaed or noticed by us until such time as we resolve the present dispute and work out a mutually agreeable schedule. This includes those noticed or subpoenaed to proceed before October 2 and those after that date.

We look forward to hearing from you and moving toward resolution on this, in whole or in part.

Thanks,

Timothy P. Scahill

Borkan & Scahill, Ltd.

Two First National Plaza

20 South Clark Street

Suite 1700

Chicago, Illinois 60603

Telephone: (312) 580-1030

Fax.: (312) 263-0128

LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Flores v. Guevara, et al****Ruth Brown** <ruth@loevy.com>

Tue, Sep 26, 2023 at 3:08 PM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Cc: Elena Favela <Elena@borkanscahill.com>, Jon Loevy <jon@loevy.com>, "arthur@loevy.com" <arthur@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, "Russell@loevy.com" <Russell@loevy.com>, "ethan@loevy.com" <ethan@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "jsotos@jsotoslaw.com" <jsotos@jsotoslaw.com>, "dbrueggen@jsotoslaw.com" <dbrueggen@jsotoslaw.com>, "Josh M. Engquist" <jengquist@jsotoslaw.com>, "kchristie@jsotoslaw.com" <kchristie@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "tballard@jsotoslaw.com" <tballard@jsotoslaw.com>, Eileen Rosen <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, "lferrise@rfclaw.com" <lferrise@rfclaw.com>, "tcarney@rfclaw.com" <tcarney@rfclaw.com>, "khutson@rfclaw.com" <khutson@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Kellie Voss <Kellie@kmltldlaw.com>, Wendy Chasteen <Wendy@kmltldlaw.com>

Counsel,

These long emails back and forth do not appear to be productive at this point. It is still not clear to us what you are proposing. We already offered a proposal for resolution, and you did not agree to it. Rather than another long email, we suggest that the parties get on the phone so that we can hear what proposal(s) you have and which depositions you are claiming Defendants should get to question first at. Given that it does appear from the beginning of your email that your position is the same across cases, let's please start with an initial conferral across all cases in which we are sending identical emails, and we can go from there. We are available Friday - please let us know times that work.

Ruth

On Fri, Sep 22, 2023 at 3:34 PM Tim Scahill &lt;TScahill@borkanscahill.com&gt; wrote:

Counsel,

Thanks for your response. We are happy to propose a process for resolving this.

First, to answer your threshold questions, we do not intend to take different positions in the Guevara cases at issue in these series of e-mails. I think that much has been clear across the board from the nearly identical e-mails we have sent on this topic on these Guevara cases. If your office agrees to do the same, we will abide by this as well.

In that regard, I have asked the same question of the attorneys from your office (several times) and still have not received any clear answer. I'm going to try one more time: is it going to be your position that "first in time" should govern deposition priority in these cases or that other standards should be applied? Your office continues dumping a series of alternative arguments on why you should be able to take the lead on every deposition in every case. As you know full well, your positions are not only *internally* contradictory but contradicted by the position your office took most recently in the *Walker* case where your office specifically and unequivocally disavowed the "first in time" standard.

**Exhibit 1 at 019**

LOEVY + LOEVY

**Ruth Brown** <ruth@loevy.com>

## Flores - notice of deposition

**Tim Scahill** <[tscahill@borkanscahill.com](mailto:tscahill@borkanscahill.com)>

Wed, Sep 27, 2023 at 9:10 AM

To: Ruth Brown <ruth@loevy.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Kara Hutson <khutson@rfclaw.com>, "David A. Brueggen (DBueggen@jsotoslaw.com)" <dbrueggen@jsotoslaw.com>, "Kyle T. Christie" <kchristie@jsotoslaw.com>, Josh Engquist <Jengquist@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, Jim Sotos <jsotos@jsotoslaw.com>, Tonet Ballard <TBallard@jsotoslaw.com>, Graham Miller <GMiller@borkanscahill.com>, Steven Borkan <sborkan@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Carla Agbiro <agbiro@loevy.com>, Russell Ainsworth <Russell@loevy.com>, Lauren Carbajal <carbajal@loevy.com>, Jon Loevy <jon@loevy.com>, Ethan Woodward <ethan@loevy.com>, Bethan Gee <gee@loevy.com>, "Arthur@loevy.com" <Arthur@loevy.com>

Counsel,

Given the previous e-mails on this case, you can assume that we object to this deposition proceeding on October 3. As indicated in those series of e-mails, you have indicated that your notices and subpoenas are placeholder dates. We have also already provided a host of potentially available dates for November through December for depositions in this case, including, but not limited to, already providing a specific date for Mr. Thurmond.

As you are well aware, Mr. Thurmond already has a deposition date noticed. We noticed this deposition on August 28 pursuant to Fed. R. Civ. P. 30 to proceed on **November 8** (weeks before you sent your notice out). The issue of priority in questioning aside, you appear to believe that one party can override a properly noticed deposition simply by issuing a subsequent deposition notice of their own for an earlier date. There is no authority for proceeding in this fashion that we are aware of. If this were proper, it would turn all of discovery into a never ending back and forth of successive deposition notices for earlier and earlier dates. If you believe this is appropriate practice under the rules, please provide us the source of this.

As you know, we have been attempting to have a discussion with your firm about priority in questioning at depositions including, but not limited, that for Mr. Thurmond, and fully intend to do so prior to this deposition (and others) proceeding. However, issuing a competing deposition notice for a deposition already noticed not only is in violation of the rules but will create a huge mess in an already complicated series of cases. Please withdraw this notice and refrain from issuing such competing notices in the future. If you intend to stand on this procedure, please advise immediately so we can file a protective order so we can ensure that your firm does not continue to engage in this highly improper tactic. Please also confirm that you will not be proceeding with this deposition on October 3 until we can resolve this dispute.

Thanks.

Timothy P. Scahill

**Exhibit 1 at 020**



Ruth Brown <ruth@loevy.com>

# Flores v. Guevara, et al

**Tim Scahill** <TScahill@borkanscahill.com>

Thu, Sep 28, 2023 at 11:03 AM

To: Ruth Brown <ruth@loevy.com>

Cc: Elena Favela <Elena@borkanscahill.com>, Jon Loevy <jon@loevy.com>, "arthur@loevy.com" <arthur@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, "Russell@loevy.com" <Russell@loevy.com>, "ethan@loevy.com" <ethan@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "jsotos@jsotoslaw.com" <jsotos@jsotoslaw.com>, "dbrueggen@jsotoslaw.com" <dbrueggen@jsotoslaw.com>, "Josh M. Engquist" <jengquist@jsotoslaw.com>, "kchristie@jsotoslaw.com" <kchristie@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "tballard@jsotoslaw.com" <tballard@jsotoslaw.com>, Eileen Rosen <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, "lferrise@rfclaw.com" <lferrise@rfclaw.com>, "tcarney@rfclaw.com" <tcarney@rfclaw.com>, "khutson@rfclaw.com" <khutson@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schmidt <eschmidt@borkanscahill.com>, Misha Itchhaporia <Mlitchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Kellie Voss <Kellie@kmlldlaw.com>, Wendy Chasteen <Wendy@kmlldlaw.com>

Counsel,

Thanks for your response. Multiple attorneys needed on these cases are unavailable tomorrow unfortunately including myself. We are looking at Wednesday or Thursday afternoon next week as a possible date. Please let us know if you are available on either of those dates and confirm that we are maintaining the status quo on these depositions until that time and will advise any relevant witnesses of such.

Additionally, we remain confused by your continual refusal to answer simple questions so we can have a productive conversation on this topic. You specifically asked us to propose a process and we did. You then ignored engaging on this proposal. If you are not prepared to commit to negotiating on witnesses and are just going to revert back to your series of alternative arguments as to why you should get everything you want regardless of the standard, this will be a short and unproductive phone call which I doubt anyone wants in the event this matter ends up before one of the judges on these cases. Thus, assuming we can agree on a time next week, we need to get on the same page with how this issue will be addressed first and then later have case specific discussions on the dozens of witnesses at issue thereafter.

Thanks,

Timothy P. Scahill

Borkan & Scahill, Ltd.

Two First National Plaza

20 South Clark Street

## Suite 1700

Chicago, Illinois 60603

Telephone: (312) 580-1030

Fax.: (312) 263-0128

LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Flores v. Guevara, et al****Ruth Brown** <ruth@loevy.com>

Thu, Sep 28, 2023 at 3:06 PM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Cc: Elena Favela <Elena@borkanscahill.com>, Jon Loevy <jon@loevy.com>, "arthur@loevy.com" <arthur@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, "Russell@loevy.com" <Russell@loevy.com>, "ethan@loevy.com" <ethan@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "jsotos@jsotoslaw.com" <jsotos@jsotoslaw.com>, "dbrueggen@jsotoslaw.com" <dbrueggen@jsotoslaw.com>, "Josh M. Engquist" <jengquist@jsotoslaw.com>, "kchristie@jsotoslaw.com" <kchristie@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "tballard@jsotoslaw.com" <tballard@jsotoslaw.com>, Eileen Rosen <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, "lferrise@rfclaw.com" <lferrise@rfclaw.com>, "tcarney@rfclaw.com" <tcarney@rfclaw.com>, "khutson@rfclaw.com" <khutson@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Kellie Voss <Kellie@kmltldlaw.com>, Wendy Chasteen <Wendy@kmltldlaw.com>

Counsel:

To be clear, Plaintiffs' position is that we are entitled to depose the witnesses that we subpoenaed first (because we subpoenaed them first and for the additional reasons set forth in our email of September 12), and that Defendants can depose witnesses that they subpoenaed first. After Defendants sent out a number of unserved deposition notices, Plaintiffs offered on September 5 a mutual agreement that first notice would go first for those witnesses who had not yet been served, but Defendants did not accept.

Plaintiffs indicated to you that we needed to understand what Defendants' concrete proposal was as to deposition priority (and depositions that needed to be deferred for additional discovery, if any) so that we could have a productive conference. Defendants did not respond with any concrete proposal on depositions - instead providing an unnecessary proposal on process that serves only to delay. (If we had to exchange a proposal on witnesses, we would exchange with you what we have already proposed and described above.)

Even though Defendants have yet to provide a concrete proposal on depositions, we agreed to a conference. We can be available on both of the dates you proposed - Wed and Thur afternoon, between 2-4:30pm next week.

We continue to ask that Defendants provide a concrete proposal on depositions so that we can work with you to timely resolve this dispute. If this is going to go to motion practice, Defendants are going to have to tell the Court what they are proposing, so we do not understand why Defendants cannot tell us now.

We can agree that the parties will suspend any depositions through October 6 to allow a final week for discussions on this topic, but not beyond that date. Please be advised that beyond that date, you will have to file a motion for a protective order because we will not agree to indefinitely suspend all of Plaintiffs' noticed and subpoenaed depositions across at least seven cases absent a concrete proposal from you as to which depositions can go forward and which require potential adjudication.

Separately, we request that you provide any outstanding proofs of service that have not yet been provided to us for depositions noticed by the defense.

On Thu, Sep 28, 2023 at 11:03 AM Tim Scahill <TScahill@borkanscahill.com> wrote:

Counsel,

Thanks for your response. Multiple attorneys needed on these cases are unavailable tomorrow unfortunately including myself. We are looking at Wednesday or Thursday afternoon next week as a possible date. Please let us know if you are available on either of those dates and confirm that we are maintaining the status quo on these depositions until that time and will advise any relevant witnesses of such.

Additionally, we remain confused by your continual refusal to answer simple questions so we can have a productive conversation on this topic. You specifically asked us to propose a process and we did. You then ignored engaging on this proposal. If you are not prepared to commit to negotiating on witnesses and are just going to revert back to your

**Exhibit 1 at 022**



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**Ruth Brown** <ruth@loevy.com>

## Flores - Scott Thurmond contact information

**Ruth Brown** <ruth@loevy.com>

Thu, Sep 28, 2023 at 11:50 AM

To: "Catherine M. Barber" <cbarber@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Kara Hutson <khutson@rfclaw.com>, "David A. Brueggen (DBueggen@jsotoslaw.com)" <dbrueggen@jsotoslaw.com>, "Kyle T. Christie" <kchristie@jsotoslaw.com>, Josh Engquist <Jengquist@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, Jim Sotos <jsotos@jsotoslaw.com>, Tonet Ballard <TBallard@jsotoslaw.com>, Graham Miller <gmiller@borkanscahill.com>, Steven Borkan <sborkan@borkanscahill.com>, Misha Itchhaporia <mitchhaporia@borkanscahill.com>, "tscahill@BorkanScahill.com" <tscahill@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Whitney Hutchinson <whutchinson@borkanscahill.com>, Molly Boekeloo <mboekeloo@borkanscahill.com>, Carla Agbiro <agbiro@loevy.com>, Russell Ainsworth <Russell@loevy.com>, Ruth Brown <ruth@loevy.com>, Lauren Carbajal <carbajal@loevy.com>, Jon Loevy <jon@loevy.com>, Ethan Woodward <ethan@loevy.com>, Lauren Lebata <lauren@loevy.com>, Bethan Gee <gee@loevy.com>, Arthur@loevy.com

Counsel:

Do Defendants have a phone number for Scott Thurmond? If so, please send by the end of the day tomorrow.

Thanks,  
Ruth

--  
Ruth Brown  
Loevy & Loevy  
311 N. Aberdeen St., 3rd Floor  
Chicago, Illinois 60607  
(312) 243-5900  
She/her  
[ruth@loevy.com](mailto:ruth@loevy.com)

LOEVY+LOEVY

Ruth Brown <ruth@loevy.com>

---

## Flores - Scott Thurmond contact information

---

Emily Schnidt <eschnidt@borkanscahill.com>

Fri, Sep 29, 2023 at 1:52 PM

To: Ruth Brown <ruth@loevy.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Kara Hutson <khutson@rfclaw.com>, "David A. Brueggen (DBueggen@jsotoslaw.com)" <dbrueggen@jsotoslaw.com>, "Kyle T. Christie" <kchristie@jsotoslaw.com>, Josh Engquist <Jengquist@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, Jim Sotos <jsotos@jsotoslaw.com>, Tonet Ballard <TBallard@jsotoslaw.com>, Graham Miller <GMiller@borkanscahill.com>, Steven Borkan <sborkan@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Tim Scahill <TScahill@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Carla Agbiro <agbiro@loevy.com>, Russell Ainsworth <Russell@loevy.com>, Lauren Carbajal <carbajal@loevy.com>, Jon Loevy <jon@loevy.com>, Ethan Woodward <ethan@loevy.com>, Lauren Leбата <lauren@loevy.com>, Bethan Gee <gee@loevy.com>, "Arthur@loevy.com" <Arthur@loevy.com>

Ruth,

Mr. Thurmond's telephone number is [REDACTED]. If we speak to Mr. Thurmond, we will advise that his deposition is cancelled. Please also confirm if you speak to him and advise him of same. Please also provide copies of any written communications with Mr. Thurmond by end of business Monday.

Thank you,

Emily E. Schnidt

Special Assistant Corporation Counsel

BORKAN & SCAHILL, LTD.

Two First National Plaza

20 S. Clark Street, Suite 1700

Chicago, Illinois 60603

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F: (312) 263-0128

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without reading, copying or disclosing the contents. Your receipt of this message is not intended to waive any applicable privilege.

**Exhibit 1 at 024**



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Ruth Brown &lt;ruth@loevy.com&gt;

**Flores - notice of deposition****Ruth Brown** <ruth@loevy.com>

Mon, Oct 2, 2023 at 9:00 PM

To: Tim Scahill &lt;tscahill@borkanscahill.com&gt;

Cc: "Catherine M. Barber" <cbarber@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Kara Hutson <khutson@rfclaw.com>, "David A. Brueggen (DBueggen@jsotoslaw.com)" <dbrueggen@jsotoslaw.com>, "Kyle T. Christie" <kchristie@jsotoslaw.com>, Josh Engquist <Jengquist@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, Jim Sotos <jsotos@jsotoslaw.com>, Tonet Ballard <TBallard@jsotoslaw.com>, Graham Miller <GMiller@borkanscahill.com>, Steven Borkan <sborkan@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Emily Schnidt <eschmidt@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Carla Agbiro <agbiro@loevy.com>, Russell Ainsworth <Russell@loevy.com>, Lauren Carbajal <carbajal@loevy.com>, Jon Loevy <jon@loevy.com>, Ethan Woodward <ethan@loevy.com>, Bethan Gee <gee@loevy.com>, "Arthur@loevy.com" <Arthur@loevy.com>

Counsel:

As previously advised on September 28, Plaintiff has agreed to reschedule Mr. Thurmond's deposition from October 3 pursuant to Defendants' request to confer globally on depositions. To that end, please find an amended deposition notice for Mr. Thurmond's deposition on October 30. Let us know if the new date is not convenient for you. We will work to confirm the new date with Mr. Thurmond as well.

We maintain that Plaintiff is entitled to priority to question Mr. Thurmond first for myriad reasons discussed previously in our September 19 and September 12 correspondence--including but not limited to that Plaintiff attempted service first on Mr. Thurmond, Defendants withheld Mr. Thurmond's contact information from Plaintiff, Plaintiff timely served Mr. Thurmond, Defendants themselves have taken the position in this litigation that first notice does not dictate deposition questioning order and themselves refused to agree that first notice governs deposition order, and Mr. Thurmond is adverse to Plaintiff. Thus, there is good cause for the Court to find that Plaintiff should proceed with his questioning first.

If you disagree, kindly provide by Thursday the legal basis for why Defendants believe they should get to question Mr. Thurmond first at a deposition so that we can consider it.

This is also our third request for Defendants to provide any proof of service of a deposition subpoena on Mr. Thurmond, as well as any other proofs of service not yet provided.

In addition, this is our third request (at least) for Defendants to provide unredacted copies of the investigative and permanent retention file so that Defendants do not maintain an asymmetrical information advantage to information (such as Mr. Thurmond's date of birth) required to locate witnesses in the case and litigate the case.

We look forward to your anticipated cooperation.

Ruth

On Wed, Sep 27, 2023 at 9:11 AM Tim Scahill <tscahill@borkanscahill.com> wrote:

Counsel,

Given the previous e-mails on this case, you can assume that we object to this deposition proceeding on October 3. As indicated in those series of e-mails, you have indicated that your notices and subpoenas are placeholder dates. We have also already provided a host of potentially available dates for November through December for depositions in this case, including, but not limited to, already providing a specific date for Mr. Thurmond.

**Exhibit 1 at 025**

LOEVY+LOEVY

Ruth Brown <ruth@loevy.com>

---

## Flores v. Guevara, et al

---

Tim Scahill <TScahill@borkanscahill.com>

Tue, Oct 3, 2023 at 3:48 PM

To: Ruth Brown <ruth@loevy.com>

Cc: Elena Favela <Elena@borkanscahill.com>, Jon Loevy <jon@loevy.com>, "arthur@loevy.com" <arthur@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, "Russell@loevy.com" <Russell@loevy.com>, "ethan@loevy.com" <ethan@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "jsotos@jsotoslaw.com" <jsotos@jsotoslaw.com>, "dbrueggen@jsotoslaw.com" <dbrueggen@jsotoslaw.com>, "Josh M. Engquist" <jengquist@jsotoslaw.com>, "kchristie@jsotoslaw.com" <kchristie@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "tballard@jsotoslaw.com" <tballard@jsotoslaw.com>, Eileen Rosen <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, "lferrise@rfclaw.com" <lferrise@rfclaw.com>, "tcarney@rfclaw.com" <tcarney@rfclaw.com>, "khutson@rfclaw.com" <khutson@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Kellie Voss <Kellie@kmltldlaw.com>, Wendy Chasteen <Wendy@kmltldlaw.com>

Counsel,

Per the below, please advise whether your teams are still available on Thursday at 2pm to discuss these issues. If so, we can circulate a conference line.

Thanks,

Timothy P. Scahill

Borkan & Scahill, Ltd.

Two First National Plaza

20 South Clark Street

Suite 1700

Chicago, Illinois 60603

Telephone: (312) 580-1030

Fax.: (312) 263-0128

---

**From:** Ruth Brown <ruth@loevy.com>

**Sent:** Thursday, September 28, 2023 3:06 PM

**To:** Tim Scahill <TScahill@borkanscahill.com>

**Cc:** Elena Favela <Elena@borkanscahill.com>; Jon Loevy <jon@loevy.com>; arthur@loevy.com; agbiro@loevy.com; carbajal@loevy.com; Russell@loevy.com; ethan@loevy.com; gee@loevy.com; jsotos@jsotoslaw.com; dbrueggen@jsotoslaw.com; Josh M. Engquist <jengquist@jsotoslaw.com>; kchristie@jsotoslaw.com; Maurice C. Hunt <mhunt@jsotoslaw.com>; tballard@jsotoslaw.com; Eileen Rosen <erosen@rfclaw.com>; Andrew Grill

**Exhibit 1 at 026**

LOEVY+LOEVY

Ruth Brown <ruth@loevy.com>

## Flores v. Guevara, et al

Tim Scahill <TScahill@borkanscahill.com>

Wed, Oct 4, 2023 at 11:38 AM

To: Ruth Brown <ruth@loevy.com>

Cc: Elena Favela <Elena@borkanscahill.com>, Jon Loevy <jon@loevy.com>, "arthur@loevy.com" <arthur@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, "Russell@loevy.com" <Russell@loevy.com>, "ethan@loevy.com" <ethan@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "jsotos@jsotoslaw.com" <jsotos@jsotoslaw.com>, "dbrueggen@jsotoslaw.com" <dbrueggen@jsotoslaw.com>, "Josh M. Engquist" <jengquist@jsotoslaw.com>, "kchristie@jsotoslaw.com" <kchristie@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "tballard@jsotoslaw.com" <tballard@jsotoslaw.com>, Eileen Rosen <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, "lferrise@rfclaw.com" <lferrise@rfclaw.com>, "tcarney@rfclaw.com" <tcarney@rfclaw.com>, "khutson@rfclaw.com" <khutson@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Kellie Voss <Kellie@kmltldlaw.com>, Wendy Chasteen <Wendy@kmltldlaw.com>

2:30 is fine. Please use this dial in:

Dial-in: 877-306-0456

Attendee: 4125676

**From:** Ruth Brown <ruth@loevy.com>

**Sent:** Tuesday, October 3, 2023 6:14 PM

**To:** Tim Scahill <TScahill@borkanscahill.com>

**Cc:** Elena Favela <Elena@borkanscahill.com>; Jon Loevy <jon@loevy.com>; arthur@loevy.com; agbiro@loevy.com; carbajal@loevy.com; Russell@loevy.com; ethan@loevy.com; gee@loevy.com; jsotos@jsotoslaw.com; dbrueggen@jsotoslaw.com; Josh M. Engquist <jengquist@jsotoslaw.com>; kchristie@jsotoslaw.com; Maurice C. Hunt <mhunt@jsotoslaw.com>; tballard@jsotoslaw.com; Eileen Rosen <erosen@rfclaw.com>; Andrew Grill <agrill@rfclaw.com>; Austin Rahe <arahe@rfclaw.com>; Catherine M. Barber <cbarber@rfclaw.com>; Jessica Zehner <jzehner@rfclaw.com>; lferrise@rfclaw.com; tcarney@rfclaw.com; khutson@rfclaw.com; Steven Borkan <sborkan@borkanscahill.com>; Emily Schnidt <eschnidt@borkanscahill.com>; Misha Itchhaporia <Mltchhaporia@borkanscahill.com>; Molly Boekeloo <MBoekeloo@borkanscahill.com>; Graham Miller <GMiller@borkanscahill.com>; Whitney Hutchinson <WHutchinson@borkanscahill.com>; Kellie Voss <Kellie@kmltldlaw.com>; Wendy Chasteen <Wendy@kmltldlaw.com>

**Subject:** Re: Flores v. Guevara, et al

As Anand advised on a different thread, he had to schedule something else at 1:30 that may run late. Let's please say 2:30 so no one is waiting for him. Assuming that works, please send a conference line.

On Tue, Oct 3, 2023 at 3:48 PM Tim Scahill <TScahill@borkanscahill.com> wrote:

Counsel,

Per the below, please advise whether your teams are still available on Thursday at 2pm to discuss these issues. If so, we can circulate a conference line.

**Exhibit 1 at 027**



**Ruth Brown <ruth@loevy.com>**

## Flores - notice of deposition

**Tim Scahill** <[tscahill@borkanscahill.com](mailto:tscahill@borkanscahill.com)>

Wed, Oct 4, 2023 at 3:37 PM

To: Ruth Brown <ruth@loevy.com>

Cc: "Catherine M. Barber" <cbarber@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Kara Hutson <khutson@rfclaw.com>, "David A. Brueggen (DBueggen@jsotoslaw.com)" <dbrueggen@jsotoslaw.com>, "Kyle T. Christie" <kchristie@jsotoslaw.com>, Josh Engquist <Jengquist@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, Jim Sotos <jsotos@jsotoslaw.com>, Tonet Ballard <TBallard@jsotoslaw.com>, Graham Miller <GMiller@borkanscahill.com>, Steven Borkan <sborkan@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Carla Agbiro <agbiro@loevy.com>, Russell Ainsworth <Russell@loevy.com>, Lauren Carbajal <carbajal@loevy.com>, Jon Loevy <jon@loevy.com>, Ethan Woodward <ethan@loevy.com>, Bethan Gee <gee@loevy.com>, "Arthur@loevy.com" <Arthur@loevy.com>

Counsel.

You and your office have continually taken the position in these cases (most recently last week) that deposition priority should follow first in time. For this deposition alone, you now seem to want to apply a different rule and focus on witness alignment. That is not going to work. We will be holding a conference with your office on deposition priority tomorrow and if we cannot agree on a uniform way that deposition priority should be governed, we will be filing a motion with the court seeking guidance on how this should operate across the board. If you want to have a discussion about witness alignment and deposition priority, we are fine having that discussion across the board once we agree on the standard everyone will be applying. But we are not going to agree to follow one standard when it suits your goals and another when it does not.

As for Mr. Thurmond, there is no requirement that any witness be served with a subpoena ever much less any authority for the contention that a rush to service somehow trumps a duly noticed deposition notice. Indeed, insofar as you are issuing a notice instead of another subpoena, you appear to have been advised by Mr. Thurmond that he will cooperate in sitting for a deposition regardless of whether another subpoena is in place commanding him to do so or not.

All that Rule 45 requires is that a subpoena be served in a reasonable time before the deposition. If he does not show pursuant to our deposition notice, please feel free to seek relief under Fed. R. Civ. P. 30(g)(2). If you have any authority controverting this as a proper and enforceable way to notice as deposition of a third party even in the absence of a subpoena, please provide it. I have asked this of you before and you have provided nothing substantiating this other than self-serving conclusions that this is so. Thus, regardless of who is ultimately determined to be able to question Mr. Thurmond first at his deposition, our position is that your attempt to "leapfrog" our properly noticed deposition with own of your own is improper and, essentially, a nullity since Rule 30(a)((2)(A)(ii) requires a court order to take a successive deposition of the same witness and we have an outstanding notice in place that predated yours. In sum, our position is that this deposition will be proceeding pursuant to our notice not yours. If you want this to proceed on your later issued notice instead, you are going to need to go into court and get an order to do that.

As always, we will be sure to work with you on dates that work for this deposition to proceed under our notice once we have worked out any issues relating to timing and priority.

Thanks,

Timothy P. Scahill

Borkan & Scahill, Ltd.

**Exhibit 1 at 028**

LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Flores v. Guevara, et al****Ruth Brown** <ruth@loevy.com>

Thu, Oct 5, 2023 at 5:59 PM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Cc: Elena Favela <Elena@borkanscahill.com>, Jon Loevy <jon@loevy.com>, "arthur@loevy.com" <arthur@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, "Russell@loevy.com" <Russell@loevy.com>, "ethan@loevy.com" <ethan@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "jsotos@jsotoslaw.com" <jsotos@jsotoslaw.com>, "dbrueggen@jsotoslaw.com" <dbrueggen@jsotoslaw.com>, "Josh M. Engquist" <jengquist@jsotoslaw.com>, "kchristie@jsotoslaw.com" <kchristie@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "tballard@jsotoslaw.com" <tballard@jsotoslaw.com>, Eileen Rosen <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, "lferrise@rfclaw.com" <lferrise@rfclaw.com>, "tcarney@rfclaw.com" <tcarney@rfclaw.com>, "khutson@rfclaw.com" <khutson@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Kellie Voss <Kellie@kmltldlaw.com>, Wendy Chasteen <Wendy@kmltldlaw.com>

Counsel:

Thank you for the conference today.

We want to memorialize that the parties maintain a dispute about the prevailing standard. Defendants articulated that they believe "witness alignment," and not service of a deposition subpoena or notice of a deposition, should dictate. Plaintiffs articulated their view that (a) service of subpoenas should dictate, and have also proposed a compromise: (b) first notice. Defendants do not agree to either. Plaintiffs believe that even under other standards, including (c) witnesses Plaintiff intends to call in his case-in-chief and in light of his burden to prove his claims, (d) aiding the jury's comprehension of the evidence at trial and avoiding prejudice to Plaintiff should the witnesses become unavailable; and (e) whether the witnesses were aligned with the prosecution of Plaintiffs, Plaintiffs should be able to question the witnesses first, as set out previously in our September 12 correspondence.

Plaintiffs are very concerned about additional delay to depositions. We asked Defendants to identify which of the depositions for which we have served the witness first Defendants are insisting that they should get to go first. Defendants did not offer such information, but asked that we agree to an exchange of list. In an effort to see whether Defendants' insistence on an exchange of lists can expeditiously narrow or resolve the parties' dispute, we agreed to try the exchange of lists. Plaintiffs previewed that Defendants already have a list of the minimum set of witnesses that we are prioritizing and believe we should get to go first with, which are the ones that we prioritized for service of subpoenas. Nevertheless, the parties have agreed to exchange lists at exactly 5:00pm on October 11 identifying which, of the witnesses subpoenaed and/or noticed by any party as of the time of our call, they believe their side should get to question first on. If there are any remaining disputes after that exchange (i.e., witnesses that both parties list as someone they get to go first with), it is our expectation that we will re-convene a call promptly to see if we can reach resolution or are at impasse.

On Wed, Oct 4, 2023 at 11:38 AM Tim Scahill &lt;TScahill@borkanscahill.com&gt; wrote:

2:30 is fine. Please use this dial in:

Dial-in: 877-306-0456

Attendee: 4125676

**From:** Ruth Brown <ruth@loevy.com>**Sent:** Tuesday, October 3, 2023 6:14 PM**To:** Tim Scahill <TScahill@borkanscahill.com>**Exhibit 1 at 029**

LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Flores v. Guevara, et al****Ruth Brown** <ruth@loevy.com>

Wed, Oct 11, 2023 at 5:00 PM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Cc: Elena Favela <Elena@borkanscahill.com>, Jon Loevy <jon@loevy.com>, "arthur@loevy.com" <arthur@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, "Russell@loevy.com" <Russell@loevy.com>, "ethan@loevy.com" <ethan@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "jsotos@jsotoslaw.com" <jsotos@jsotoslaw.com>, "dbrueggen@jsotoslaw.com" <dbrueggen@jsotoslaw.com>, "Josh M. Engquist" <jengquist@jsotoslaw.com>, "kchristie@jsotoslaw.com" <kchristie@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "tballard@jsotoslaw.com" <tballard@jsotoslaw.com>, Eileen Rosen <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, "lferrise@rfclaw.com" <lferrise@rfclaw.com>, "tcarney@rfclaw.com" <tcarney@rfclaw.com>, "khutson@rfclaw.com" <khutson@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, Kellie Voss <Kellie@kmltldlaw.com>, Wendy Chasteen <Wendy@kmltldlaw.com>

Counsel,

Pursuant to our agreement to exchange lists today at 5pm, our list of which party should get to go first with each witness is as follows:

Flores	Scott Thurmond	Plaintiff
Flores	Gina Cody	Defendants
Flores	Katheline Cody	Defendants
Flores	Lisa Cody	Defendants
Flores	Tony Valdez	Plaintiff

Per our earlier discussion, we would like to get on a call this week to see if we can resolve any outstanding disagreements about the deposition order across these cases. Please let us know your availability on Thursday and Friday this week.

Thanks.

On Thu, Oct 5, 2023 at 5:59 PM Ruth Brown &lt;ruth@loevy.com&gt; wrote:

Counsel:

Thank you for the conference today.

We want to memorialize that the parties maintain a dispute about the prevailing standard. Defendants articulated that they believe "witness alignment," and not service of a deposition subpoena or notice of a deposition, should dictate. Plaintiffs articulated their view that (a) service of subpoenas should dictate, and have also proposed a compromise: (b) first notice. Defendants do not agree to either. Plaintiffs believe that even under other standards, including (c) witnesses Plaintiff intends to call in his case-in-chief and in light of his burden to prove his claims, (d) aiding the jury's comprehension of the evidence at trial and avoiding prejudice to Plaintiff should the witnesses become unavailable; and (e) whether the witnesses were aligned with the prosecution of Plaintiffs, Plaintiffs should be able to question the witnesses first, as set out previously in our September 12 correspondence.

Plaintiffs are very concerned about additional delay to depositions. We asked Defendants to identify which of the depositions for which we have served the witness first Defendants are insisting that they should get to go first. Defendants did not offer such information, but asked that we agree to an exchange of list. In an effort to see whether Defendants' insistence on an exchange of lists can expeditiously narrow or resolve the parties' dispute, we agreed to try the exchange of lists. Plaintiffs previewed that Defendants already have a list of the minimum set of witnesses that we are prioritizing and believe we should get to go first with, which are the ones that we prioritized for service of subpoenas. Nevertheless, the parties have agreed to exchange lists at exactly 5:00pm on October 11 identifying which, of the witnesses subpoenaed and/or noticed by any party as of the time of our call, they believe their side should get to question first on. If there are any remaining disputes after that exchange (i.e., witnesses that both parties list as

**Exhibit 1 at 030**



**Guevara Cases- Deposition Priority****Allison L. Romelfanger** <ARomelfanger@jsotoslaw.com>

Wed, Oct 11, 2023 at 5:00 PM

To: "jon@loevy.com" <jon@loevy.com>, Anand Swaminathan <anand@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Ruth Brown <ruth@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>  
 Cc: "Eileen E. Rosen" <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, "sborkan@borkanschahill.com" <sborkan@borkanschahill.com>, "timothyschahill@gmail.com" <TSchahill@borkanschahill.com>, Emily Schnidt <eschmidt@borkanschahill.com>, Graham Miller <gmiller@borkanschahill.com>, Misha Itchhaporia <Mltchhaporia@borkanschahill.com>, Molly Boekeloo <MBoekeloo@borkanschahill.com>, Whitney Hutchinson <WHutchinson@borkanschahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "wboberts@tribler.com" <wboberts@tribler.com>, "kckirk@tribler.com" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, George Yamin <GYamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsel,

Per the parties' discussions under Local Rule 37.2 and in attempt to resolve our dispute on witness priority short of judicial intervention, below please find a list of the witnesses that Plaintiffs have noticed and/or subpoenaed that Defendants believe they should be given first priority in questioning at depositions in the following cases: Abrego, Flores, Martinez, Rivera, Davila, Lugo, and Hernandez. Note, this list is being provided as an attempt to negotiate and resolve a dispute. Thus, we have intentionally narrowed our claims for the purposes of attempting to reach a mutually acceptable resolution. Obviously, if we cannot reach some sort of agreement on this issue and Plaintiffs stick to their insistence that they be given priority on all of these witnesses, we reserve the right to petition the court to set priority for these depositions as well as ones we have proposed voluntarily permitting Plaintiffs to take the lead on. We hope to avoid this and remain open to continuing to negotiate on this issue.

Moreover, per our discussion last week, we are not aware of whether Plaintiffs are seeking priority in the questioning of witnesses only we have noticed and/or subpoenaed. As with the witnesses below, we are, of course, willing to negotiate on these as well. Obviously, we cannot force you to depose witnesses you do not want to depose. If we receive any such claim in your e-mail today, we will respond shortly with our position on the matters so we can continue moving forward on this issue.

Finally, as we also referenced on the call, regardless of the resolution on the dispute on priority of witness examination, Defendants remain extremely concerned that Plaintiffs keep pushing to complete key third party depositions while at the same time obstructing the defense from obtaining documents and other materials needed to examine these key witnesses. Your office has continually asked for extensions to respond to our written discovery requests (at times asking for and obtaining extensions into late November) and has objected, in whole or in part, to essentially every third-party document subpoena Defendants have issued in these cases.

We understand that objections may need to be sorted out from time to time and that extensions of time may be needed (a courtesy that has been granted in every instance). That said, we will not be forced to take depositions of key witnesses at the very outset of a case while at the same time being obstructed from obtaining materials we need to do our due diligence on the underlying facts of these cases via written discovery. Unlike your firm, we have not had these cases for years prior to the institution of the case so it is imperative that we be permitted to obtain key documentary evidence prior to expending our one opportunity to examine third party witnesses under oath. We share your desire to move forward with depositions and intend to do so with all deliberate speed. However, we cannot do so until we obtain the documents necessary for us to examine these witnesses from entities such as the State's Attorney, defense attorneys, Cook County Clerk and Court Reporters. If your office wishes to do this as soon as possible, we would ask that you withdraw or reevaluate some of the objections you have raised to our third party subpoenas or in your forthcoming discovery responses.

Either way, please confirm that you are in agreement that we will not be proceeding with these depositions until you have complied with discovery, any objections to our outstanding document subpoenas have been resolved, and Defendants have been able to obtain the materials responsive to our subpoenas, or provide an explanation of your position so that we may properly apprise the court of this in the event we need to seek intervention.

**Abrego v Guevara**

Jeremiah Cain  
Debbie Daniels  
Isidro Quinones  
Ramon Torres  
Frances "Jane" Cain

**Davila v. Guevara**

Luis Rosario

**Martinez v. Guevara**

Melloney Parker  
Jose Tinajero  
Jesus Fuentes

**Rivera v. Guevara**

Madelyn Burgos

**Lugo v Guevara**



Efrain Sanchez

**Hernandez v. Guevara**

Jondalyn Fields

Fred Rock

Daniel Violante

Nelson Pacheco

**Flores v. Guevara**

Kathleen Cody

**Allison L. Romelfanger**

**The Sotos Law Firm, P.C.**

141 W. Jackson Blvd. #1240A

Chicago, IL 60604

Direct Line 630-735-3315

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Ruth Brown <ruth@loevy.com>

## Guevara Cases- Deposition Priority

Ruth Brown <ruth@loevy.com>

Fri, Oct 13, 2023 at 6:33 PM

To: "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>

Cc: "jon@loevy.com" <jon@loevy.com>, Anand Swaminathan <anand@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, "sborkan@borkanscahill.com" <sborkan@borkanscahill.com>, "timothyscahill@gmail.com" <TScahill@borkanscahill.com>, Emily Schindt <eschindt@borkanscahill.com>, Graham Miller <gmiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "wboberts@tribler.com" <wboberts@tribler.com>, "kckirk@tribler.com" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, George Yamin <GYamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsel:

As we have indicated throughout our prior conferrals on this matter, we continue to request prompt cooperation to avoid delay. When we provided Plaintiffs' lists on Wednesday, we asked you to provide your availability to confer this week, so we can quickly see if this process requested by Defendants accomplishes anything. We have not received a response. Please provide dates to confer early next week. Plaintiff proposes Tuesday afternoon or Wednesday afternoon.

With regard to your general comments about delaying all depositions across seven cases, these cases are all 7 months old. Discovery has been open in many since May. Despite Defendants' transparent attempts to blame us, their own lengthy delays in serving discovery requests and issuing subpoenas do not justify an indefinite stay of all depositions across all cases. We have long asked for specifics of which depositions you are requesting to delay, for how long, for what specific discovery, and we reiterate our request for that information.

That said, as we have indicated repeatedly, we are willing to work with you as to dates, but we need your cooperation in disclosing availability, regardless of who questions first at the deposition. To that end, by Tuesday, please propose at least two dates on which Defendants are available for each deposition noticed by Plaintiff, in the timeframe that they propose each deposition should be conducted. Of course, if a dispute about questioning priority requires the parties to move an agreed-upon date, that can be discussed separately, but please let's make progress on scheduling. If we can agree within 7 days on dates for these third party depositions this week that are conducted within a reasonable timeframe, we will work with you on dates. If Defendants continue to withhold dates of availability, we will understand this as more delay by the defense and will proceed accordingly.

Of course, Plaintiffs, too, reserve all arguments should we not reach resolution through this negotiation process.

Sincerely,  
Plaintiffs' Counsel

On Wed, Oct 11, 2023 at 5:00 PM Allison L. Romelfanger <ARomelfanger@jsotoslaw.com> wrote:

Counsel,

**Exhibit 1 at 034**

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Ruth Brown <ruth@loevy.com>

## Guevara Cases- Deposition Priority

Tim Scahill <TScahill@borkanscahill.com>

Mon, Oct 16, 2023 at 2:26 PM

To: Ruth Brown <ruth@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>

Cc: "jon@loevy.com" <jon@loevy.com>, Anand Swaminathan <anand@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "wboberts@tribler.com" <wboberts@tribler.com>, "kckirk@tribler.com" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, George Yamin <GYamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsel,

We have conflicts on Tuesday and Wednesday. However, we can make ourselves available on Thursday at 2:30pm to further discuss these issues. Please advise your availability at that time or propose a different time and we will find something that works.

Thanks,

Timothy P. Scahill

Borkan & Scahill, Ltd.

Two First National Plaza

20 South Clark Street

Suite 1700

Chicago, Illinois 60603

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Fax.: (312) 263-0128

Exhibit 1 at 035

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Ruth Brown <ruth@loevy.com>

## Guevara Cases- Deposition Priority

Anand Swaminathan <anand@loevy.com>

Wed, Oct 18, 2023 at 11:20 AM

To: Tim Scahill <TScahill@borkanscahill.com>

Cc: Ruth Brown <ruth@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "wboberts@tribler.com" <wboberts@tribler.com>, "kckirk@tribler.com" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, George Yamin <GYamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Tim, 2:30 it is on Thursday. And please be ready to discuss compromises and agreements to get to resolution, now that the parties have exchanged lists.  
Please send dial-in. Thanks.

On Mon, Oct 16, 2023 at 2:26 PM Tim Scahill <TScahill@borkanscahill.com> wrote:

Counsel,

We have conflicts on Tuesday and Wednesday. However, we can make ourselves available on Thursday at 2:30pm to further discuss these issues. Please advise your availability at that time or propose a different time and we will find something that works.

Thanks,

Timothy P. Scahill  
Borkan & Scahill, Ltd.  
Two First National Plaza  
20 South Clark Street  
Suite 1700  
Chicago, Illinois 60603  
Telephone: (312) 580-1030

**Exhibit 1 at 036**

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Ruth Brown <ruth@loevy.com>

## Guevara Cases- Deposition Priority

**Anand Swaminathan** <anand@loevy.com>

Fri, Oct 20, 2023 at 10:00 AM

To: Tim Scahill <TScahill@borkanscahill.com>

Cc: Ruth Brown <ruth@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschmidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountylil.gov" <kelli.huntsman@cookcountylil.gov>, "wboberbs@tribler.com" <wboberbs@tribler.com>, "kckirk@tribler.com" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, George Yamin <GYamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsel, thank you for speaking with us yesterday. As we discussed, Defendants needed some additional time to confer before going through the witness list to try to resolve disputes. That was fine with us, provided we promptly get back on the phone to see if we can resolve this issue.

Please let us know your availability on Monday to continue the discussion.

Thanks,  
Anand

On Thu, Oct 19, 2023 at 2:15 PM Tim Scahill <[TScahill@borkanscahill.com](mailto:TScahill@borkanscahill.com)> wrote:

Please use this dial in today

Dial-in: 877-306-0456

Attendee: 4125676

**From:** Anand Swaminathan <[anand@loevy.com](mailto:anand@loevy.com)>

**Sent:** Wednesday, October 18, 2023 11:20 AM

**To:** Tim Scahill <TScahill@borkanscahill.com>

Cc: Ruth Brown <ruth@loevy.com>; Allison L. Romelfanger <ARomelfanger@jsotoslaw.com>; jon@loevy.com; Arthur Loevy <arthur@loevy.com>; Steve Art <Steve@loevy.com>; Annie Prossnitz <prossnitz@loevy.com>; Isabella Aguilar <aguilar@loevy.com>; Locke Bowman <locke@loevy.com>; spence@loevy.com; gee@loevy.com; carbajal@loevy.com; Sean Starr <sean@loevy.com>; Eileen E. Rosen <erosen@rfclaw.com>; Andrew Grill <agrill@rfclaw.com>; Austin Rahe <arahe@rfclaw.com>; Catherine M. Barber <cbarber@rfclaw.com>; Jessica Zehner <jzehner@rfclaw.com>; Lauren Ferrise <lferrise@rfclaw.com>; Theresa B. Carney <tcarney@rfclaw.com>; Steven Borkan

**Exhibit 1 at 037**



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Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority**

Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Mon, Oct 23, 2023 at 8:55 AM

To: Anand Swaminathan &lt;anand@loevy.com&gt;

Cc: Ruth Brown <ruth@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschmidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "wboberts@tribler.com" <wboberts@tribler.com>, "kckirk@tribler.com" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainer@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, George Yamin <GYamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsel,

We are coordinating schedules amongst defense counsel for this and will get back to you ASAP on availability to reconvene on these issues. However, there are multiple conflicts today. We will get back to you shortly with some proposals.

Thanks,

Tim

**From:** Anand Swaminathan <anand@loevy.com>**Sent:** Friday, October 20, 2023 10:00 AM**To:** Tim Scahill <TScahill@borkanscahill.com>

**Cc:** Ruth Brown <ruth@loevy.com>; Allison L. Romelfanger <ARomelfanger@jsotoslaw.com>; jon@loevy.com; Arthur Loevy <arthur@loevy.com>; Steve Art <Steve@loevy.com>; Annie Prossnitz <prossnitz@loevy.com>; Isabella Aguilar <aguilar@loevy.com>; Locke Bowman <locke@loevy.com>; spence@loevy.com; gee@loevy.com; carbajal@loevy.com; Sean Starr <sean@loevy.com>; Eileen E. Rosen <erosen@rfclaw.com>; Andrew Grill <agrill@rfclaw.com>; Austin Rahe <arahe@rfclaw.com>; Catherine M. Barber <cbarber@rfclaw.com>; Jessica Zehner <jzehner@rfclaw.com>; Lauren Ferrise <lferrise@rfclaw.com>; Theresa B. Carney <tcarney@rfclaw.com>; Steven Borkan <sborkan@borkanscahill.com>; Emily Schnidt <eschmidt@borkanscahill.com>; Graham Miller <GMiller@borkanscahill.com>; Misha Itchhaporia <Mltchhaporia@borkanscahill.com>; Molly Boekeloo <MBoekeloo@borkanscahill.com>; Whitney Hutchinson <WHutchinson@borkanscahill.com>;

**Exhibit 1 at 038**

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Ruth Brown <ruth@loevy.com>

## Guevara Cases- Deposition Priority

Anand Swaminathan <anand@loevy.com>

Thu, Oct 26, 2023 at 10:22 PM

To: Tim Scahill <TScahill@borkanscahill.com>

Cc: Ruth Brown <ruth@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschmidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "wboberts@tribler.com" <wboberts@tribler.com>, "kckirk@tribler.com" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainer@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun" <mbraun@mokblaw.com>, "Dan Stohr" <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, George Yamin <GYamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsel, we have been extremely patient. By tomorrow, please provide dates you are available early next week.

On Mon, Oct 23, 2023 at 8:55 AM Tim Scahill <TScahill@borkanscahill.com> wrote:

Counsel,

We are coordinating schedules amongst defense counsel for this and will get back to you ASAP on availability to reconvene on these issues. However, there are multiple conflicts today. We will get back to you shortly with some proposals.

Thanks,

Tim

From: Anand Swaminathan <anand@loevy.com>

Sent: Friday, October 20, 2023 10:00 AM

To: Tim Scahill <TScahill@borkanscahill.com>

Cc: Ruth Brown <ruth@loevy.com>; Allison L. Romelfanger <ARomelfanger@jsotoslaw.com>; jon@loevy.com; Arthur Loevy <arthur@loevy.com>; Steve Art <Steve@loevy.com>; Annie Prossnitz <prossnitz@loevy.com>; Isabella Aguilar <aguilar@loevy.com>; Locke Bowman <locke@loevy.com>; spence@loevy.com; gee@loevy.com; carbajal@loevy.com; Sean Starr <sean@loevy.com>; Eileen E. Rosen <erosen@rfclaw.com>; Andrew Grill <agrill@rfclaw.com>; Austin Rahe <arahe@rfclaw.com>; Catherine M. Barber <cbarber@rfclaw.com>; Jessica Zehner <jzehner@rfclaw.com>; Lauren Ferrise <lferrise@rfclaw.com>; Theresa B. Carney <tcarney@rfclaw.com>; Steven Borkan

Exhibit 1 at 039

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Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority****Tim Scahill** <TScahill@borkanscahill.com>

Fri, Oct 27, 2023 at 4:28 PM

To: Anand Swaminathan &lt;anand@loevy.com&gt;

Cc: Ruth Brown <ruth@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschmidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "wboberts@tribler.com" <wboberts@tribler.com>, "kckirk@tribler.com" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, George Yamin <GYamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsel,

Thanks for discussing the issues relating to deposition priority in Martinez, Davila, Lugo, Flores, Abrego, Rivera and Hernandez. We propose reconvening to discuss these matters further next Thursday afternoon. Please advise your availability or propose another option.

After our discussion last week, we continue to have concerns about the viability of negotiating concessions on a witness by witness basis. We hoped that the exchange of lists might assist the parties in starting off a good faith negotiation on witnesses on both sides. It does not appear that much headway was made in these endeavors unfortunately and we are not optimistic that this will change. Unless we are missing something, your list included claims to, more or less, all witnesses that you had originally claimed on a "first in time" basis as well as claims for ten (10) witnesses which would otherwise have been our priority on a "first in time" basis. If this is not an accurate characterization, please advise but that is what it looks like from our perspective.

During our discussion, it also appeared that you were suggesting that our position on certain witnesses in the list exchange had essentially removed a dispute about other witnesses we had not claimed. There appears to be a fundamental misunderstanding on that point. As I expressed on our call, our list was intended to be a starting point for a negotiation not a concession taking witnesses off the table. If we cannot reach an agreement across the board, we are still possibly heading toward an impasse on all witnesses at issue. Our hope is to avoid that. However, given the widely divergent starting points on the list exchange, we are not particularly optimistic that a fruitful give and take negotiation on witnesses is going to result in a whole lot of movement on these witnesses. There will inevitably be intractable disagreements on certain witnesses, agreements reached on some witnesses may be impacted as a result of a lack agreement on others, and the parties will end up spending much time and effort litigating these disputes before seven different judges. Again, given the extensive amount of substantive work to be done, we want to avoid this as I'm sure you do as well.

**Exhibit 1 at 040**



Accordingly, after discussing internally among defense counsel, we think the parties should consider simply resolving this issue globally across all of these cases through a third party witness draft with alternating picks between the sides with first pick to be decided by random selection (i.e. coin flip or other such device). As you are aware, a similar process was done in the Reyes/Solache cases. This process will resolve these issues with quickness and efficiency and will avoid the inevitable disputes that will arise through a more substantive negotiation. We would then follow a similar procedure for other depositions in these cases as needed as discovery progresses.

We offer this proposal with an additional condition. Your list of noticed/subpoenaed witnesses include a handful of witnesses that are not true third party witnesses that should be subject to a witness draft. These include close friends or family members of your client, people who your firm or its affiliates have some pre-existing attorney-client relationship, and individuals who are plaintiffs in lawsuits against our clients. This would include persons such as Madilyn Burgos, Debbie Daniels, Jondalyn Fields, Jeremiah Cain, and Frances "Jane" Cain. We do not believe these witnesses or others in these cases fitting into these categories should rightfully be considered independent third party witnesses. The same is true is true of non-defendant police officers who the City will presumably represent in any depositions in these cases. We will agree to abide by the above exclusions which would include, but not be limited, to waiving any argument seeking priority in the examination of any defendant or non-defendant police officers so long as you agree to the same category of exclusions outlined above.

Finally, all of the above remains subject to the other issues we raised in prior correspondence including our continued objection to your attempts to rush key third party depositions in these cases while at the same time continually objecting to or slowing our several months-old attempts to obtain via subpoena all of the key source documents needed for these depositions to proceed via subpoena and obtaining numerous extensions on discovery compliance with our requests. Again, regardless of priority and as discussed on our call, our position is that we need several discrete categories of core materials in order to proceed with any of these depositions. In that regard, we are willing to provide specific dates for witness depositions but these must all be contingent upon the receipt of the above materials sufficiently in advance of these dates.

We look forward to discussing these matters further soon.

Thanks and have a nice weekend,

Timothy P. Scahill

Borkan & Scahill, Ltd.

Two First National Plaza

20 South Clark Street

Suite 1700

Chicago, Illinois 60603

Telephone: (312) 580-1030

Fax.: (312) 263-0128

LOEVY+LOEVY

Ruth Brown <ruth@loevy.com>

## Guevara Cases- Deposition Priority

Bill Oberts <wboberts@tribler.com>

Sun, Oct 29, 2023 at 10:04 AM

To: Tim Scahill <TScahill@borkanscahill.com>, Anand Swaminathan <anand@loevy.com>  
Cc: Ruth Brown <ruth@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschmidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, George Yamin <GYamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

We are available this Thursday afternoon from 1 p.m. to 4 p.m.

**William B. Oberts**

Attorney at Law

PLEASE NOTE:

Service per IL Sup. Ct. Rule 11

is accepted at docket@tribler.com

TRIBLER ORPETT & MEYER P.C.

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Chicago, IL 60606-2418

**Exhibit 1 at 042**

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## Guevara Cases- Deposition Priority

Ruth Brown <ruth@loevy.com>

Tue, Oct 31, 2023 at 10:09 PM

To: Bill Oberts <wbober@tribler.com>

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Unfortunately, Thursday afternoon doesn't work for us. How about Tuesday, 2-5pm?

On Sun, Oct 29, 2023 at 10:04 AM Bill Oberts <wbober@tribler.com> wrote:

We are available this Thursday afternoon from 1 p.m. to 4 p.m.

**William B. Oberts**

Attorney at Law

PLEASE NOTE:

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is accepted at docket@tribler.com

TRIBLER ORPETT & MEYER P.C.

225 West Washington - Suite 2550

**Exhibit 1 at 043**

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Ruth Brown <ruth@loevy.com>

## Guevara Cases- Deposition Priority

Kevin C. Kirk <kckirk@tribler.com>

Wed, Nov 1, 2023 at 8:35 AM

To: Ruth Brown <ruth@loevy.com>, Bill Oberts <wboberts@tribler.com>

Cc: Tim Scahill <TScahill@borkanschahill.com>, Anand Swaminathan <anand@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <erosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Steven Borkan <sborkan@borkanschahill.com>, Emily Schnidt <eschnidt@borkanschahill.com>, Graham Miller <GMiller@borkanschahill.com>, Misha Itchhaporia <MItchhaporia@borkanschahill.com>, Molly Boekeloo <MBoekeloo@borkanschahill.com>, Whitney Hutchinson <WHutchinson@borkanschahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, George Yamin <GYamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Good morning,

We are also available on Tuesday 2-5 (on behalf of Defendant Turano).

Kevin C. Kirk  
Attorney at Law

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**Guevara Cases- Deposition Priority****Anand Swaminathan** <anand@loevy.com>

Sun, Nov 5, 2023 at 9:41 AM

To: "Theresa B. Carney" &lt;tcarney@rfclaw.com&gt;

Cc: Ruth Brown <ruth@loevy.com>, Bill Oberts <wboerts@tribler.com>, Tim Scahill <TScahill@borkanscahill.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, Jon Loevy <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, Renee Spence <spence@loevy.com>, Bethan Gee <gee@loevy.com>, Lauren Carbajal <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "KELLI HUNTSMAN (States Attorney)" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, Carla Agbiro <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

That works. Thanks

On Fri, Nov 3, 2023, 1:29 PM Theresa B. Carney &lt;tcarney@rfclaw.com&gt; wrote:

The City Defendants are available on Tuesday afternoon. Should we say 3:00?

Here is a call in number:

Dial in: (800) 719-7514

Conf ID: 294 144

Thanks,

Theresa

**PLEASE NOTE OUR NEW ADDRESS**

-

Theresa Berousek Carney

**Rock Fusco & Connelly, LLC**333 W. Wacker Drive, 19<sup>th</sup> Floor**Exhibit 1 at 045**

LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority**

Ruth Brown &lt;ruth@loevy.com&gt;

Wed, Nov 8, 2023 at 1:03 PM

To: "Theresa B. Carney" &lt;tcarney@rfclaw.com&gt;

Cc: Bill Oberts <wboerts@tribler.com>, Tim Scahill <TScahill@borkanscahill.com>, Anand Swaminathan <anand@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsel:

We haven't heard from you about the timing of our agreement to exchange initial compromise proposals for depositions in Flores/Davila/Lugo today - when will you be able to do so? We are ready; just let us know the time that you can send yours, and we'll send ours then.

Thanks,  
Ruth

On Tue, Nov 7, 2023 at 3:04 PM Theresa B. Carney &lt;tcarney@rfclaw.com&gt; wrote:

Hi Bill – Are you still planning to join the call today at 3:00?

Thanks,

Theresa

From: Bill Oberts &lt;wboerts@TRIBLER.COM&gt;

Date: Sunday, October 29, 2023 at 10:04 AM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;, Anand Swaminathan &lt;anand@loevy.com&gt;

Cc: Ruth Brown <ruth@loevy.com>, Allison L. Romelfanger <ARomelfanger@jsotoslaw.com>, jon@loevy.com <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, spence@loevy.com <spence@loevy.com>, gee@loevy.com <gee@loevy.com>, carbajal@loevy.com <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, Eileen E. Rosen <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe

**Exhibit 1 at 046**



LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority**

Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Wed, Nov 8, 2023 at 2:51 PM

To: Ruth Brown &lt;ruth@loevy.com&gt;, "Theresa B. Carney" &lt;tcarney@rfclaw.com&gt;

Cc: Bill Oberts <woberts@tribler.com>, Anand Swaminathan <anand@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Ruth,

We can exchange at 3:30 today if that works for you

**From:** Ruth Brown <ruth@loevy.com>**Sent:** Wednesday, November 8, 2023 1:03 PM**To:** Theresa B. Carney <tcarney@rfclaw.com>

**Cc:** Bill Oberts <woberts@tribler.com>; Tim Scahill <TScahill@borkanscahill.com>; Anand Swaminathan <anand@loevy.com>; Allison L. Romelfanger <ARomelfanger@jsotoslaw.com>; jon@loevy.com; Arthur Loevy <arthur@loevy.com>; Steve Art <Steve@loevy.com>; Annie Prossnitz <prossnitz@loevy.com>; Isabella Aguilar <aguilar@loevy.com>; Locke Bowman <locke@loevy.com>; spence@loevy.com; gee@loevy.com; carbajal@loevy.com; Sean Starr <sean@loevy.com>; Eileen E. Rosen <ERosen@rfclaw.com>; Andrew Grill <agrill@rfclaw.com>; Austin Rahe <arahe@rfclaw.com>; Catherine M. Barber <cbarber@rfclaw.com>; Jessica Zehner <jzehner@rfclaw.com>; Lauren Ferrise <lferrise@rfclaw.com>; Steven Borkan <sborkan@borkanscahill.com>; Emily Schnidt <eschnidt@borkanscahill.com>; Graham Miller <GMiller@borkanscahill.com>; Misha Itchhaporia <Mltchhaporia@borkanscahill.com>; Molly Boekeloo <MBoekeloo@borkanscahill.com>; Whitney Hutchinson <WHutchinson@borkanscahill.com>; kelli.huntsman@cookcountyil.gov; Kevin C. Kirk <kckirk@tribler.com>; Valerie Barajas <valerie@loevy.com>; Hershey Suri <suri@loevy.com>; Grace Boney <boney@loevy.com>; agbiro@loevy.com; Russell Ainsworth <russell@loevy.com>; Lisa M. McElroy <mcelroy@jbltd.com>; Brian P. Gainer <gainerb@jbltd.com>; Ken Battle <kbattle@mokblaw.com>; Michele Braun (mbraun@mokblaw.com) <mbraun@mokblaw.com>; Dan Stohr <dan@danstohr.com>; Jim Sotos <JSotos@jsotoslaw.com>; Josh M. Engquist <JEngquist@jsotoslaw.com>; Laura M. Ranum <LRanum@jsotoslaw.com>; Alexis M. Gamboa <AGamboa@jsotoslaw.com>; Kyle T. Christie <KChristie@jsotoslaw.com>; David A. Brueggen <DBrueggen@jsotoslaw.com>; Maurice C. Hunt <mhunt@jsotoslaw.com>; Joseph M. Polick <JPolick@jsotoslaw.com>; Jeffrey R. Kivet <JKivet@jsotoslaw.com>; gyamin <gyamin@jsotoslaw.com>; Daniel J. McGinnis <dmcginnis@jsotoslaw.com>; Mark F. Smolens <MSmolens@jsotoslaw.com>; John Timbo <JTimbo@jsotoslaw.com>; Caroline P. Golden <cgolden@jsotoslaw.com>;

**Exhibit 1 at 047**

LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority**

Ruth Brown &lt;ruth@loevy.com&gt;

Wed, Nov 8, 2023 at 2:53 PM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Cc: "Theresa B. Carney" <tcarney@rfclaw.com>, Bill Oberts <wboberts@tribler.com>, Anand Swaminathan <anand@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <Mltchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

3:30 is fine. Also please suggest times for a phone conference as discussed. Thanks.

On Wed, Nov 8, 2023 at 2:51 PM Tim Scahill <TScahill@borkanscahill.com> wrote:

Ruth,

We can exchange at 3:30 today if that works for you

**From:** Ruth Brown <ruth@loevy.com>

**Sent:** Wednesday, November 8, 2023 1:03 PM

**To:** Theresa B. Carney <tcarney@rfclaw.com>

**Cc:** Bill Oberts <wboberts@tribler.com>; Tim Scahill <TScahill@borkanscahill.com>; Anand Swaminathan <anand@loevy.com>; Allison L. Romelfanger <ARomelfanger@jsotoslaw.com>; jon@loevy.com; Arthur Loevy <arthur@loevy.com>; Steve Art <Steve@loevy.com>; Annie Prossnitz <prossnitz@loevy.com>; Isabella Aguilar <aguilar@loevy.com>; Locke Bowman <locke@loevy.com>; spence@loevy.com; gee@loevy.com; carbajal@loevy.com; Sean Starr <sean@loevy.com>; Eileen E. Rosen <ERosen@rfclaw.com>; Andrew Grill <agrill@rfclaw.com>; Austin Rahe <arahe@rfclaw.com>; Catherine M. Barber <cbarber@rfclaw.com>; Jessica Zehner <jzehner@rfclaw.com>; Lauren Ferrise <lferrise@rfclaw.com>; Steven Borkan <sborkan@borkanscahill.com>; Emily Schnidt <eschnidt@borkanscahill.com>; Graham Miller <GMiller@borkanscahill.com>; Misha Itchhaporia <Mltchhaporia@borkanscahill.com>; Molly Boekeloo <MBoekeloo@borkanscahill.com>; Whitney Hutchinson <WHutchinson@borkanscahill.com>; kelli.huntsman@cookcountyil.gov; Kevin C. Kirk <kckirk@tribler.com>; Valerie Barajas <valerie@loevy.com>; Hershey Suri <suri@loevy.com>; Grace Boney <boney@loevy.com>; agbiro@loevy.com; Russell Ainsworth <russell@loevy.com>; Lisa M. McElroy <mcelroyl@jbltd.com>; Brian P. Gainer <gainerb@jbltd.com>; Ken Battle <kbattle@mokblaw.com>; Michele Braun (mbraun@mokblaw.com) <mbraun@mokblaw.com>; Dan Stohr <dan@danstohr.com>; Jim Sotos <JSotos@jsotoslaw.com>; Josh M. Engquist <JEngquist@jsotoslaw.com>; Laura M. Ranum <LRanum@jsotoslaw.com>; Alexis M. Gamboa <AGamboa@jsotoslaw.com>; Kyle T. Christie <KChristie@jsotoslaw.com>; David A. Brueggen

**Exhibit 1 at 048**

**Guevara Cases- Deposition Priority****Ruth Brown** <ruth@loevy.com>

Wed, Nov 8, 2023 at 3:30 PM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Cc: "Theresa B. Carney" <tcarney@rfclaw.com>, Bill Oberts <wboberts@tribler.com>, Anand Swaminathan <anand@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschmidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsel:

Per our agreement and discussion on the call yesterday, Plaintiffs Lugo, Davila, and Flores are offering below the following potential compromise trades/agreements for your consideration, and we look forward to reviewing your proposals as well.

**Lugo:**

- Plaintiff goes first on Efrain Sanchez, Defendants go first on Julio Sanchez
- Plaintiff goes first on LeKisha Rivera and Peter Hull; Defendants go first on Raymond Graciano and Joel Valentin

**Davila:**

To our knowledge, Defendants did not notice any depositions nor serve any witnesses - please correct us if that understanding is incorrect. Given the circumstances, we'd propose a compromise as follows:

- Plaintiff goes first as to the three witnesses he served and noticed first (Ivar Velasco, Luis Rosario, and Jose Velez), and the parties further agree that with respect to Michael Ybarra and Martin Rossi, who Plaintiff noticed first but has not yet been able to serve (given that there is currently an agreed moratorium between the parties on service while we confer), whoever serves them first gets to question them first, beginning on an agreed date upon which service attempts resume.

**Flores:**

- Plaintiff goes first as to Tony Valdez and Scott Thurmond; Defendants go first as to Katheline Cody, Gina Cody, and Lisa Cody.

On Wed, Nov 8, 2023 at 2:53 PM Ruth Brown <ruth@loevy.com> wrote:

3:30 is fine. Also please suggest times for a phone conference as discussed. Thanks.

On Wed, Nov 8, 2023 at 2:51 PM Tim Scahill <TScahill@borkanscahill.com> wrote:

**Exhibit 1 at 049**

LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority**

Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Wed, Nov 8, 2023 at 3:30 PM

To: Ruth Brown &lt;ruth@loevy.com&gt;

Cc: "Theresa B. Carney" <tcarney@rfclaw.com>, Bill Oberts <wboberts@tribler.com>, Anand Swaminathan <anand@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsel,

Thank you for further discussing resolution of the parties' disputes on deposition priority on Martinez, Davila, Lugo, Flores, Abrego, Rivera and Hernandez. Per our discussion yesterday, we have conferred amongst defense counsel and are willing to discuss compromises on witness priority across these cases on the following terms:

1. The parties agreed to table discussion of witness priority on the Abrego matter because Mr. Cain recently filed a related lawsuit. The plaintiff is going to confer with Mr. Cain's attorneys on these issues and the parties will reconvene to discuss at a future date.
2. Plaintiff agreed to permit Defendants to have priority in questioning co-plaintiffs/likely future co-plaintiffs/criminal co-defendants at depositions which would include Thomas Kelly and Jose Tinajero. As noted in past correspondence, we will similarly agree to permit Plaintiff priority in questioning, for example, non-defendant police officers.
3. The parties further discussed a number of potential "trades" of other witnesses and agreed to confer amongst their respective teams on these. After discussing with the defense teams, the City and Individual Officers Defendants propose the following trades for further discussion:

**Exhibit 1 at 050**

Defendants' agree to permit plaintiffs priority in questioning the following persons:

1. Javier Cruz
2. Scott Thurmond
3. Peter Hull
4. Rosa Solis
5. Angel Serrano
6. Nicole Nathaniel

Plaintiffs' agree to permit Defendants priority in questioning the following persons:

1. Madilyn Burgos
2. Melloney Parker
3. Jondalyn Fields
4. Nelson Pacheco
5. Daniel Violante
6. Ivar Velasco

All of this, of course, is subject to further discussion. Additionally, the parties still need to further discuss allocation of time for each side's questioning at all of the depositions in this case. Moreover, this is all subject to the parties' agreement on how to handle the remaining witnesses in this case not specified above. We remain open to a draft or modified draft on these remaining witnesses or some other solution to move all of this forward. We look forward to discussing further.

Thanks,

Timothy P. Scahill  
Borkan & Scahill, Ltd.  
Two First National Plaza  
20 South Clark Street  
Suite 1700  
Chicago, Illinois 60603  
Telephone: (312) 580-1030

**Exhibit 1 at 051**



LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority**

Ruth Brown &lt;ruth@loevy.com&gt;

Fri, Nov 10, 2023 at 12:54 PM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Cc: "Theresa B. Carney" <tcarney@rfclaw.com>, Bill Oberts <wboberts@tribler.com>, Anand Swaminathan <anand@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsel -

We are still waiting for Defendants' availability for a final conference. Plaintiffs proposed Nov. 9 during the Nov. 7 call, but Defendants said they needed to confer internally and would let us know their availability on Nov. 8th. They did not do so, even after we followed up. We have repeatedly voiced concern about the delay and the need to conclude this lengthy conferral process either with agreement or impasse, and do so here again.

Can you please let us know when Defendants are available? Plaintiffs propose Monday afternoon.

Sincerely,  
Ruth

On Wed, Nov 8, 2023 at 3:30 PM Tim Scahill <TScahill@borkanscahill.com> wrote:

Counsel,

Thank you for further discussing resolution of the parties' disputes on deposition priority on Martinez, Davila, Lugo, Flores, Abrego, Rivera and Hernandez. Per our discussion yesterday, we have conferred amongst defense counsel and are willing to discuss compromises on witness priority across these cases on the following terms:

1. The parties agreed to table discussion of witness priority on the Abrego matter because Mr. Cain recently filed a related lawsuit. The plaintiff is going to confer with Mr. Cain's attorneys on these issues and the parties will reconvene to discuss at a future date.

**Exhibit 1 at 052**



LOEVY+ LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority****Tim Scahill** <TScahill@borkanscahill.com>

Fri, Nov 10, 2023 at 1:02 PM

To: Ruth Brown &lt;ruth@loevy.com&gt;

Cc: "Theresa B. Carney" <tcarney@rfclaw.com>, Bill Oberts <wboerts@tribler.com>, Anand Swaminathan <anand@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Unless I missed something, we have still received nothing from Anand on the other cases we discussed on our call. We provided our positions on these cases on Wednesday on the timeline we discussed which is why there has been no follow up scheduled. This is obviously information we need to discuss these matters further.

**From:** Ruth Brown <ruth@loevy.com>**Sent:** Friday, November 10, 2023 12:55 PM**To:** Tim Scahill <TScahill@borkanscahill.com>

**Cc:** Theresa B. Carney <tcarney@rfclaw.com>; Bill Oberts <wboerts@tribler.com>; Anand Swaminathan <anand@loevy.com>; Allison L. Romelfanger <ARomelfanger@jsotoslaw.com>; jon@loevy.com; Arthur Loevy <arthur@loevy.com>; Steve Art <Steve@loevy.com>; Annie Prossnitz <prossnitz@loevy.com>; Isabella Aguilar <aguilar@loevy.com>; Locke Bowman <locke@loevy.com>; spence@loevy.com; gee@loevy.com; carbajal@loevy.com; Sean Starr <sean@loevy.com>; Eileen E. Rosen <ERosen@rfclaw.com>; Andrew Grill <agrill@rfclaw.com>; Austin Rahe <arahe@rfclaw.com>; Catherine M. Barber <cbarber@rfclaw.com>; Jessica Zehner <jzehner@rfclaw.com>; Lauren Ferrise <lferrise@rfclaw.com>; Steven Borkan <sborkan@borkanscahill.com>; Emily Schnidt <eschnidt@borkanscahill.com>; Graham Miller <GMiller@borkanscahill.com>; Misha Itchhaporia <MItchhaporia@borkanscahill.com>; Molly Boekeloo <MBoekeloo@borkanscahill.com>; Whitney Hutchinson <WHutchinson@borkanscahill.com>; kelli.huntsman@cookcountyil.gov; Kevin C. Kirk <kckirk@tribler.com>; Valerie Barajas <valerie@loevy.com>; Hershey Suri <suri@loevy.com>; Grace Boney <boney@loevy.com>; agbiro@loevy.com; Russell Ainsworth <russell@loevy.com>; Lisa M. McElroy <mcelroyl@jbltd.com>; Brian P. Gainer <gainerb@jbltd.com>; Ken Battle <kbattle@mokblaw.com>; Michele Braun (mbraun@mokblaw.com) <mbraun@mokblaw.com>; Dan Stohr <dan@danstohr.com>; Jim Sotos <JSotos@jsotoslaw.com>; Josh M. Engquist <JEngquist@jsotoslaw.com>; Laura M. Ranum <LRanum@jsotoslaw.com>; Alexis M. Gamboa <AGamboa@jsotoslaw.com>; Kyle T. Christie <KChristie@jsotoslaw.com>; David A. Brueggen <DBrueggen@jsotoslaw.com>; Maurice C. Hunt <mhunt@jsotoslaw.com>; Joseph M. Polick <JPolick@jsotoslaw.com>; Jeffrey R. Kivetz <JKivetz@jsotoslaw.com>;

**Exhibit 1 at 053**

## Guevara Cases- Deposition Priority

Anand Swaminathan <anand@loevy.com>

Fri, Nov 10, 2023 at 1:48 PM

To: Tim Scahill <TScahill@borkanscahill.com>

Cc: Ruth Brown <ruth@loevy.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Bill Oberts <wboberts@tribler.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschmidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun" <mbraun@mokblaw.com>, "Dan Stohr" <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Tim, we went through our set of proposals on the call, and you've now sent some follow up about potential compromises that - it seems to me - reflects some of that back and forth.

So, what are you waiting for from me for purposes of advancing the discussion?

Meanwhile, we do still need to set a date for a conferral, as Ruth says above.

Thanks,  
Anand

On Fri, Nov 10, 2023 at 1:03 PM Tim Scahill <TScahill@borkanscahill.com> wrote:

Unless I missed something, we have still received nothing from Anand on the other cases we discussed on our call. We provided our positions on these cases on Wednesday on the timeline we discussed which is why there has been no follow up scheduled. This is obviously information we need to discuss these matters further.

**From:** Ruth Brown <ruth@loevy.com>

**Sent:** Friday, November 10, 2023 12:55 PM

**To:** Tim Scahill <TScahill@borkanscahill.com>

**Cc:** Theresa B. Carney <tcarney@rfclaw.com>; Bill Oberts <wboberts@tribler.com>; Anand Swaminathan <anand@loevy.com>; Allison L. Romelfanger <ARomelfanger@jsotoslaw.com>; jon@loevy.com; Arthur Loevy <arthur@loevy.com>; Steve Art <Steve@loevy.com>; Annie Prossnitz <prossnitz@loevy.com>; Isabella Aguilar <aguilar@loevy.com>; Locke Bowman <locke@loevy.com>; spence@loevy.com; gee@loevy.com; carbajal@loevy.com; Sean Starr <sean@loevy.com>; Eileen E. Rosen <ERosen@rfclaw.com>; Andrew Grill <agrill@rfclaw.com>; Austin Rahe <arahe@rfclaw.com>; Catherine M. Barber <cbarber@rfclaw.com>; Jessica Zehner <jzehner@rfclaw.com>; Lauren Ferrise <lferrise@rfclaw.com>; Steven Borkan <sborkan@borkanscahill.com>; Emily Schnidt

**Exhibit 1 at 054**



LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority****Anand Swaminathan** <anand@loevy.com>

Tue, Nov 14, 2023 at 3:33 PM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Cc: Ruth Brown <ruth@loevy.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Bill Oberts <woberts@tribler.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschmidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsel, we are waiting for a date to confer from Defendants.

If we do not by tomorrow have a date certain for conferral this week, we will assume we are at impasse. We do not say that to pick a fight; we have been waiting patiently, repeatedly.

On Fri, Nov 10, 2023 at 1:51 PM Tim Scahill <TScahill@borkanscahill.com> wrote:

I thought you would be sending something like Ruth sent. Either way, I will confer with defense counsel and we can figure out a time to reconvene next week to discuss

**From:** Anand Swaminathan <anand@loevy.com>**Sent:** Friday, November 10, 2023 1:48 PM**To:** Tim Scahill <TScahill@borkanscahill.com>

**Cc:** Ruth Brown <ruth@loevy.com>; Theresa B. Carney <tcarney@rfclaw.com>; Bill Oberts <woberts@tribler.com>; Allison L. Romelfanger <ARomelfanger@jsotoslaw.com>; jon@loevy.com; Arthur Loevy <arthur@loevy.com>; Steve Art <Steve@loevy.com>; Annie Prossnitz <prossnitz@loevy.com>; Isabella Aguilar <aguilar@loevy.com>; Locke Bowman <locke@loevy.com>; spence@loevy.com; gee@loevy.com; carbajal@loevy.com; Sean Starr <sean@loevy.com>; Eileen E. Rosen <ERosen@rfclaw.com>; Andrew Grill <agrill@rfclaw.com>; Austin Rahe <arahe@rfclaw.com>; Catherine M. Barber <cbarber@rfclaw.com>; Jessica Zehner <jzehner@rfclaw.com>; Lauren Ferrise <lferrise@rfclaw.com>; Steven Borkan <sborkan@borkanscahill.com>; Emily Schnidt <eschmidt@borkanscahill.com>; Graham Miller <GMiller@borkanscahill.com>; Misha Itchhaporia <MItchhaporia@borkanscahill.com>; Molly Boekeloo <MBoekeloo@borkanscahill.com>; Whitney Hutchinson <WHutchinson@borkanscahill.com>; kelli.huntsman@cookcountyil.gov; Kevin C. Kirk <kckirk@tribler.com>; Valerie Barajas <valerie@loevy.com>; Hershey Suri <suri@loevy.com>; Grace Boney <boney@loevy.com>; agbiro@loevy.com; Russell Ainsworth <russell@loevy.com>; Lisa M. McElroy <mcelroy@jbltd.com>; Brian P. Gainer <gainerb@jbltd.com>; Ken Battle <kbattle@mokblaw.com>; Michele Braun (mbraun@mokblaw.com) <mbraun@mokblaw.com>; Dan Stohr <dan@danstohr.com>; Jim Sotos <JSotos@jsotoslaw.com>; Josh M. Engquist <JEngquist@jsotoslaw.com>; Laura M. Ranum <LRanum@jsotoslaw.com>; Alexis M. Gamboa <AGamboa@jsotoslaw.com>; Kyle T. Christie <KChristie@jsotoslaw.com>; David A. Brueggen <DBrueggen@jsotoslaw.com>; Maurice C. Hunt <mhunt@jsotoslaw.com>; Joseph M. Polick <JPolick@jsotoslaw.com>; Jeffrey R. Kivet <JKivet@jsotoslaw.com>;

**Exhibit 1 at 056**



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**Ruth Brown** <ruth@loevy.com>

## Guevara Cases- Deposition Priority

**Theresa B. Carney** <tcarney@rfclaw.com>

Wed, Nov 15, 2023 at 2:31 PM

To: Anand Swaminathan <anand@loevy.com>, Tim Scahill <TScahill@borkanscahill.com>  
Cc: Ruth Brown <ruth@loevy.com>, Bill Oberts <wboberts@tribler.com>, "Allison L. Romelfanger"  
<ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art  
<Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman  
<locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>,  
"carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>,  
Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica  
Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily  
Schmidt <eschmidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia  
<Mltchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson  
<WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyl.gov" <kelli.huntsman@cookcountyl.gov>, "Kevin C. Kirk"  
<kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney  
<boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy"  
<mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun  
(mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>,  
"Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa"  
<AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen"  
<DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>,  
"Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis"  
<dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>,  
"Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos"  
<TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe  
<VStubbe@isotoslaw.com>

Counsel: As you are aware, there are several sets of attorneys whose schedules need to be coordinated, which takes additional time. Defense counsel is available tomorrow (Thursday, 11/16) at 2:00 pm.

Let us know if that works and we can send a dial-in.

Thank you.

Theresa

**From:** Anand Swaminathan <[anand@loevy.com](mailto:anand@loevy.com)>

**Sent:** Tuesday, November 14, 2023 3:33 PM

**To:** Tim Scahill <[TScahill@borkanscahill.com](mailto:TScahill@borkanscahill.com)>

**Cc:** Ruth Brown <[ruth@loevy.com](mailto:ruth@loevy.com)>; Theresa B. Carney <[tcarney@rfclaw.com](mailto:tcarney@rfclaw.com)>; Bill Oberts <[wboerts@tribler.com](mailto:wboerts@tribler.com)>; Allison L. Romelfanger <[ARomelfanger@jsotoslaw.com](mailto:ARomelfanger@jsotoslaw.com)>; [jon@loevy.com](mailto:jon@loevy.com); Arthur Loevy <[arthur@loevy.com](mailto:arthur@loevy.com)>; Steve Art <[Steve@loevy.com](mailto:Steve@loevy.com)>; Annie Prossnitz <[prossnitz@loevy.com](mailto:prossnitz@loevy.com)>; Isabella Aguilar <[aguilar@loevy.com](mailto:aguilar@loevy.com)>; Locke Bowman <[locke@loevy.com](mailto:locke@loevy.com)>; [spence@loevy.com](mailto:spence@loevy.com); [gee@loevy.com](mailto:gee@loevy.com); [carbajal@loevy.com](mailto:carbajal@loevy.com); Sean Starr <[sean@loevy.com](mailto:sean@loevy.com)>; Eileen E. Rosen <[ERosen@rfclaw.com](mailto:ERosen@rfclaw.com)>; Andrew Grill <[agrill@rfclaw.com](mailto:agrill@rfclaw.com)>; Austin Rahe <[arahe@rfclaw.com](mailto:arahe@rfclaw.com)>; Catherine M. Barber <[cbarber@rfclaw.com](mailto:cbarber@rfclaw.com)>; Jessica Zehner <[jzehner@rfclaw.com](mailto:jzehner@rfclaw.com)>; Lauren Ferrise <[lferrise@rfclaw.com](mailto:lferrise@rfclaw.com)>; Steven Borkan <[sborkan@borkanscahill.com](mailto:sborkan@borkanscahill.com)>; Emily Schnidt <[eschnidt@borkanscahill.com](mailto:eschnidt@borkanscahill.com)>; Graham Miller <[GMiller@borkanscahill.com](mailto:GMiller@borkanscahill.com)>; Misha Itchhaporia <[MIitchhaporia@borkanscahill.com](mailto:MIitchhaporia@borkanscahill.com)>; Molly Boekeloo <[MBoekeloo@borkanscahill.com](mailto:MBoekeloo@borkanscahill.com)>; Whitney Hutchinson <[WHutchinson@borkanscahill.com](mailto:WHutchinson@borkanscahill.com)>;

**Exhibit 1 at 057**

LOEVY+LOEVY

Ruth Brown <ruth@loevy.com>

## Guevara Cases- Deposition Priority

Kevin C. Kirk <kckirk@tribler.com>

Wed, Nov 15, 2023 at 3:09 PM

To: "Theresa B. Carney" <tcarney@rfclaw.com>, Anand Swaminathan <anand@loevy.com>, Tim Scahill

<TScahill@borkanscahill.com>

Cc: Ruth Brown <ruth@loevy.com>, Bill Oberts <wboerts@tribler.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <ferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, "Michele Braun (mbraun@mokblaw.com)" <mbraun@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsels,

Following up on Thereas' email, I wanted to confirm that this proposed 37.2 conference is to discuss all the Guevara cases except Abrego? Based on the discussions at the last teleconference, the parties seemed to agree to table discussions on Abrego as Bonjean recently filed a complaint on behalf of Jeremiah Cain.

As Bill and I are only on Abrego, we wanted to clarify the topics/cases to be discussed before chiming in.

Kevin C. Kirk  
Attorney at Law

PLEASE NOTE:

Service per IL Sup. Ct. Rule 11

is accepted at docket@tribler.com

Exhibit 1 at 058



LOEVY+ LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority**

Ruth Brown &lt;ruth@loevy.com&gt;

Thu, Nov 16, 2023 at 11:41 AM

To: Bill Oberts &lt;wboberts@tribler.com&gt;

Cc: "Theresa B. Carney" <tcarney@rfclaw.com>, Michele Braun <mbraun@mokblaw.com>, Anand Swaminathan <anand@loevy.com>, Tim Scahill <tscahill@borkanscahill.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <gmiller@borkanscahill.com>, Misha Itchhaporia <mitchhaporia@borkanscahill.com>, Molly Boekeloo <mboekeloo@borkanscahill.com>, Whitney Hutchinson <whutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Plaintiff's counsel is available at 3pm. We are also available at 4pm if that is Defendants' preference, but today's conversation will not include Abrego.

On Thu, Nov 16, 2023 at 11:26 AM Bill Oberts <wboberts@tribler.com> wrote:

Counsel:

We are not available at 3 p.m. We are available at 4 p.m. and ask it proceed at that time instead.

However, if today's conversation will not address Abrego, then please so advise, we will not attend the call, and please feel free to proceed at a time that is mutually convenient for all of you.

Thank you.

Bill

**William B. Oberts**  
Attorney at Law

PLEASE NOTE:

**Exhibit 1 at 059**



**Ruth Brown** <ruth@loevy.com>

## Guevara Cases- Deposition Priority

**Tim Scahill** <TScahill@borkanscahill.com>

Fri, Nov 17, 2023 at 4:44 PM

To: Ruth Brown <ruth@loevy.com>, Bill Oberts <wboberts@tribler.com>

Cc: "Theresa B. Carney" <tcarney@rfclaw.com>, Michele Braun <mbraun@mokblaw.com>, Anand Swaminathan <anand@loevy.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schmidt <eschmidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountytill.gov" <kelli.huntsman@cookcountytill.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Kara Hutson <khutson@rfclaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Ruth/Anand,

Per our discussion and agreement yesterday, please find our current proposal to globally resolve our deposition priority disputes in Martinez, Lugo, Flores, Hernandez, Davila, and Rivera. Abrego still remains tabled for now while we integrate Mr. Cain's counsel into all of this. Hopefully, we can work that one out at the appropriate time as well.

As explained yesterday, we believe that resolving these disputes globally instead of on a piecemeal case by case basis is really the only feasible way to resolve this issue. We appreciate the trades you have offered but there appears to still be a little more movement we need to get this all done.

It is no secret that we believe we should get priority on witnesses who (for lack of a better term) fall into the category of "recanters" (i.e. people who said one thing to the police and/or at trial and have walked these statements back later). We are not pushing at this point to take all of them in all cases but do need some movement on these people to get this done. Any transaction involving, for example, Mr. Thurmond in Flores will need to include a person on your end who has recanted or otherwise walked back inculpatory statements.

The most logical candidates for this would appear to be Daniel Violante in Hernandez and Melloney Parker in Martinez. In addition to Mr. Violante being a recanting witness, we are also essentially waiving any right to seek relief from the court to obtain priority on five other eyewitnesses in that case who do not appear to have recanted their inculpatory statements against your clients. If the governing standard is witness alignment (and we think it is and your firm has taken this position numerous times), we think it is going to be a hard sell to a court to convince a judge that non-recanting and recanting witnesses should *both* be your takes at depositions. I am not trying to convince you that I am correct (I candidly know that will not happen and that is fine) but just re-iterating what we think the reality of this dispute will be if it ends up in court.

So, the revised trade we propose would include Javier Cruz and Scott Thurmond shifting over to Plaintiffs' camp as first priority and Madilyn Burgos, Melloney Parker, and Daniel Violante shifting over to Defendants' camp. We will also throw in Rosa Solis and Peter Hull to your camp as part of the deal also.

We also appear to have an agreement that co-plaintiffs or likely co-plaintiffs will be Defendants' take (i.e. Thomas Kelly, Jose Tinajero, Jeremiah Cain, etc.) and police officers (both defendant and non-defendants alike) will be Plaintiffs' take.

As far as the remaining witnesses who have already been noticed or subpoenaed, we propose just agreeing for these cases that the first to notice will be the first to question a witness. I have already explained several times why we do not believe that service of a subpoena trumps a duly noticed deposition. There are no cases anywhere in any jurisdiction holding this that we are aware of. Most importantly, for the purposes of this discussion, your proposal makes little sense because it is going to create further disputes about who is first, whether service was proper, whether location information was timely provided, etc. It is also wildly inefficient and a waste of resources to have two teams of process servers engage in a literal footrace to serve the same person. This is also abusive toward the witness to be bothered and hunted down by multiple teams of investigators at their homes. Again, I am not trying to convince you of the correctness of our position but I really find it hard to believe that any court is going to sanction a footrace to service approach for any number of reasons.

So this is where we stand. We do appreciate your willingness and effort to negotiate this over these past few weeks. Hopefully we can finally figure this out and move forward on these cases.

Thanks,

Tim

Timothy P. Scahill

Borkan & Scahill, Ltd.

Two First National Plaza

20 South Clark Street

Suite 1700

Chicago, Illinois 60603

Telephone: (312) 580-1030

Fax.: (312) 263-0128

**From:** Ruth Brown <[ruth@loevy.com](mailto:ruth@loevy.com)>

**Sent:** Thursday, November 16, 2023 11:41 AM

**To:** Bill Oberts <[wboerts@tribler.com](mailto:wboerts@tribler.com)>

**Cc:** Theresa B. Carney <[tcarney@rfclaw.com](mailto:tcarney@rfclaw.com)>; Michele Braun <[mbraun@mokblaw.com](mailto:mbraun@mokblaw.com)>; Anand Swaminathan



4. Angel Serrano- *Defendants offered this witness to Plaintiff, but we'd be willing to forgo going first to get to a deal*
5. Nicole Nathaniel - *Defendants offered this witness to Plaintiff, but we'd be willing to forgo going first to get to a deal*
6. Peter Hull - *Defendants offered this witness to Plaintiff, but we'd be willing to forgo going first to get to a deal*

Plaintiffs' agree to permit Defendants priority in questioning the following persons:

1. Madilyn Burgos - *yes to trade*
2. Jondalyn Fields - *yes to trade*
3. Nelson Pacheco - *yes to trade*
4. Melloney Parker - *no trade*
5. Daniel Violante - *no trade*
6. Ivar Velasco - *no trade, but we'd offer Luis Rosario*

So, to summarize, we'd offer as a global deal:

- Plaintiffs get to go first with Javier Cruz and Scott Thurmond
- Defendants get to go first with Madilyn Burgos, Jondalyn Fields, Luis Rosario, Nelson Pacheco (as well as, from your list, Rosa Solia, Angel Serrano, Nicole Nathaniel, and Peter Hull)
- And then, for the remaining witnesses not covered above, we could agree to Defendants' proposal that for the rest of the witnesses noticed and/or subpoenaed by any party to date, first notice would govern.

In light of the above, there may be some cases for which we may be able to resolve our dispute, even if we are not able to reach a global agreement. We are amenable to resolving this matter on a global basis, or within the context of specific cases. To facilitate that process, we identify where we think things stand case-by-case, based on areas of agreement/disagreement:

Gamalier Rivera (based on exchange of Madilyn Burgos for Javier Cruz):

Plaintiff goes first: Javier Cruz, Nicholas Gonzalez, Reinaldo DeJesus

Defendants go first: Madilyn Burgos, Maria Diaz, Antonio Diaz

[Please note this is compromise we are willing to agree to for this case, even if no global agreement]

Hernandez Brothers (based on Plaintiff agreeing to let Defendants question Jondalyn Fields and Nelson Pacheco first, and agreeing not to go first with Nicole Nathaniel):

Plaintiff goes first: Juan Cruz, Jesus Gonzalez, Marybel Arroyo, Nancy Gonzalez, Jose Gonzalez, Daniel Violante and Fred Rock

Defendants go first: Desiree Bandomo, Hector Vasquez, Rosa Solis, Nicole Nathaniel, Sophia Solis, Jondalyn Fields, and Nelson Pacheco

[Please note this is compromise we are willing to agree to for this case, even if no global agreement]

John Martinez (no agreements reached as to Melloney Parker or Angel Serrano; but Plaintiff agrees to allow Defendants to go first with Jose Tinajero as part of global compromise):

Plaintiff goes first: Melloney Parker

Defendants go first: Thomas Kelly, Esteban Rodriguez, Jesus Fuentes, Margarita Casiano, Angel Serrano, Manuel Rodriguez, Jose Tinajero

[Please note under this agreement we are giving Defendants all but one witness, including everyone they noticed but have not served first (despite Plaintiff's disagreement that notice dictates), and one witness Plaintiff served first (Tinajero) in an effort to facilitate a broader agreement]

Lugo:

- Plaintiff goes first on Efrain Sanchez and LeKisha Rivera

- Defendants go first on Julio Sanchez, Peter Hull, Raymond Graciano and Joel Valentin

[Please note this is compromise we are willing to agree to for this case, even if no global agreement]

Davila:

- Defendants go first as to Luis Rosario

- Plaintiff goes first as to the remaining witnesses noticed and/or served by him first

[Please note this is compromise we are willing to agree to for this case, even if no global agreement]

Flores

- Plaintiff goes first as to Tony Valdez and Scott Thurmond; Defendants go first as to Katheline Cody, Gina Cody, and Lisa Cody.

[Please note this is compromise we are willing to agree to for this case, even if no global agreement]

We also agreed to exchange lists of witnesses that have been served. To that end, everyone Plaintiff noticed in Rivera, Hernandez and Martinez has also been served. In Lugo, Davila, and Flores, the following witnesses have been served: LaKisha Rivera, Ivar Velasco,

**Exhibit 1 at 063**

Luis Rosario, Jose Velez, Scott Thurmond, Tony Valdez. We believe we have provided you with proofs of service for all, but if not, let Ruth know.

Thanks,  
Anand

On Thu, Nov 16, 2023 at 12:11 PM Kara Hutson <[khutson@rfclaw.com](mailto:khutson@rfclaw.com)> wrote:

Counsel,

The dial in for today's call at 3:00 pm is below. Thank you!

Dial in: (800) 719-7514

Conf ID: 294 144

Kara

Kara Hutson

Paralegal

**Rock Fusco & Connelly, LLC**

312.970.3474 (d) I 312.494.1001 (f)

[khutson@rfclaw.com](mailto:khutson@rfclaw.com) I <http://www.rfclaw.com>



---

**From:** Ruth Brown <[ruth@loevy.com](mailto:ruth@loevy.com)>  
**Sent:** Thursday, November 16, 2023 11:41 AM  
**To:** Bill Oberts <[woberts@tribler.com](mailto:woberts@tribler.com)>  
**Cc:** Theresa B. Carney <[tcarney@rfclaw.com](mailto:tcarney@rfclaw.com)>; Michele Braun <[mbraun@mokblaw.com](mailto:mbraun@mokblaw.com)>; Anand Swaminathan <[anand@loevy.com](mailto:anand@loevy.com)>; Tim Scahill <[tscahill@borkanschahill.com](mailto:tscahill@borkanschahill.com)>; Allison L. Romelfanger <[ARomelfanger@jsotoslaw.com](mailto:ARomelfanger@jsotoslaw.com)>; [jon@loevy.com](mailto:jon@loevy.com); Arthur Loevy <[arthur@loevy.com](mailto:arthur@loevy.com)>; Steve Art <[Steve@loevy.com](mailto:Steve@loevy.com)>; Annie Prossnitz <[prossnitz@loevy.com](mailto:prossnitz@loevy.com)>; Isabella Aguilar <[aguilar@loevy.com](mailto:aguilar@loevy.com)>; Locke Bowman <[locke@loevy.com](mailto:locke@loevy.com)>; [spence@loevy.com](mailto:spence@loevy.com); [gee@loevy.com](mailto:gee@loevy.com); [carbajal@loevy.com](mailto:carbajal@loevy.com); Sean Starr <[sean@loevy.com](mailto:sean@loevy.com)>; Eileen E. Rosen <[ERosen@rfclaw.com](mailto:ERosen@rfclaw.com)>; Andrew Grill <[agrill@rfclaw.com](mailto:agrill@rfclaw.com)>; Austin Rahe <[arahe@rfclaw.com](mailto:arahe@rfclaw.com)>; Catherine M. Barber <[cbarber@rfclaw.com](mailto:cbarber@rfclaw.com)>; Jessica Zehner <[jzehner@rfclaw.com](mailto:jzehner@rfclaw.com)>; Lauren Ferrise <[lferrise@rfclaw.com](mailto:lferrise@rfclaw.com)>; Steven Borkan <[sborkan@borkanschahill.com](mailto:sborkan@borkanschahill.com)>; Emily Schmidt <[eschmidt@borkanschahill.com](mailto:eschmidt@borkanschahill.com)>; Graham Miller <[gmiller@borkanschahill.com](mailto:gmillar@borkanschahill.com)>; Misha Itchhaporia <[mitchhaporia@borkanschahill.com](mailto:mitchhaporia@borkanschahill.com)>; Molly Boekeloo <[mboekeloo@borkanschahill.com](mailto:mboekeloo@borkanschahill.com)>; Whitney Hutchinson <[whutchinson@borkanschahill.com](mailto:whutchinson@borkanschahill.com)>; [kelli.huntsman@cookcountyil.gov](mailto:kelli.huntsman@cookcountyil.gov); Kevin C. Kirk <[kckirk@tribler.com](mailto:kckirk@tribler.com)>; Valerie Barajas <[valerie@loevy.com](mailto:valerie@loevy.com)>; Hershey Suri <[suri@loevy.com](mailto:suri@loevy.com)>; Grace Boney <[boney@loevy.com](mailto:boney@loevy.com)>; [agbiro@loevy.com](mailto:agbiro@loevy.com); Russell Ainsworth <[russell@loevy.com](mailto:russell@loevy.com)>; Lisa M. McElroy <[mcelroyl@jbltd.com](mailto:mcelroyl@jbltd.com)>; Brian P. Gainer <[gainerb@jbltd.com](mailto:gainerb@jbltd.com)>; Ken Battle <[kbattle@mokblaw.com](mailto:kbattle@mokblaw.com)>; Dan Stohr <[dan@danstohr.com](mailto:dan@danstohr.com)>; Jim Sotos <[JSotos@jsotoslaw.com](mailto:JSotos@jsotoslaw.com)>; Josh M. Engquist <[JEngquist@jsotoslaw.com](mailto:JEngquist@jsotoslaw.com)>; Laura M. Ranum <[LRanum@jsotoslaw.com](mailto:LRanum@jsotoslaw.com)>; Alexis M. Gamboa <[AGamboa@jsotoslaw.com](mailto:AGamboa@jsotoslaw.com)>; Kyle T. Christie

**Exhibit 1 at 064**



LOEVY + LOEVY

**Ruth Brown <ruth@loevy.com>**

## Guevara Cases- Deposition Priority

**Ruth Brown** <ruth@loevy.com>

Fri, Nov 17, 2023 at 6:32 PM

To: Anand Swaminathan <anand@loevy.com>

Cc: Kara Hutson <khutson@rfclaw.com>, Bill Oberts <woberts@tribler.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Michele Braun <mbraun@mokblaw.com>, Tim Scahill <tscahill@borkanscahill.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschmidt@borkanscahill.com>, Graham Miller <gmiller@borkanscahill.com>, Misha Itchhaporia <mitchhaporia@borkanscahill.com>, Molly Boekeloo <mboekeloo@borkanscahill.com>, Whitney Hutchinson <whutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyiil.gov" <kelli.huntsman@cookcountyiil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Tim et al.,

Just a reminder to send the list of witnesses defendants have served, as agreed, and provide the proofs of service.

Thanks, and have a nice weekend.

Ruth

On Fri, Nov 17, 2023 at 6:19 PM Anand Swaminathan <[anand@loevy.com](mailto:anand@loevy.com)> wrote:

Counsel, we write in furtherance of our ongoing conferrals regarding various third party depositions in a number of cases involving Defendant Guevara.

At the end of the call yesterday, we agreed to exchange correspondence today reflecting the areas where the parties each feel they can reach agreement, in an effort to continue to narrow issues for all cases other than Abrego.

At the outset, we want to reiterate that it remains Plaintiff's position that it is service - not notice - that should determine which party gets to question first. We have discussed this issue at length in the past and obviously disagree, but we wanted to make sure that any agreements we are making for purposes of reaching compromise are not intended to suggest we think simply issuing notices grants priority.

We also discussed what the plan would be for additional depositions beyond the witnesses previously noticed and served by any of the parties to date, that we have been discussing. Would we treat it as a race to notice, service, etc.? Consistent with the paragraph above, we stated that in our view priority for any new third party witnesses would be based on service. However, we'd be willing to reach an agreement along the following lines: (1) for many of the remaining third party witnesses, we could agree to some general principles along the lines of: Defendants will have priority with damages witnesses, defense attorneys; Plaintiff will have priority with third party officers, prosecutors; and (2) for purposes of the negotiations in these cases only, for any new witnesses that are not part of our current discussions, we would be open to a process in which we identify the remaining third parties - that are not part of current discussions - that both parties are interested in deposing (we anticipate short list), and we can conduct a draft for that limited group.

Turning then to the witnesses that have been the subject of our ongoing discussions - those third party witnesses that have either been served and/or noticed by Guevara plaintiffs and/or noticed by the Defendants - we offered various compromises. To make it

**Exhibit 1 at 065**

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Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority****Tim Scahill** <tscahill@borkanschahill.com>

Mon, Nov 20, 2023 at 9:00 AM

To: Ruth Brown &lt;ruth@loevy.com&gt;, Anand Swaminathan &lt;anand@loevy.com&gt;

Cc: Kara Hutson <khutson@rfclaw.com>, Bill Oberts <wboberts@tribler.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Michele Braun <mbraun@mokblaw.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanschahill.com>, Emily Schnidt <eschmidt@borkanschahill.com>, Graham Miller <GMiller@borkanschahill.com>, Misha Itchhaporia <MItchhaporia@borkanschahill.com>, Molly Boekeloo <MBoekeloo@borkanschahill.com>, Whitney Hutchinson <WHutchinson@borkanschahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <dmcginnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <JTimbo@jsotoslaw.com>, "Caroline P. Golden" <cgolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <lmeador@jsotoslaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

I am advised by my office staff that these are the proofs we have from the witnesses at issue

**From:** Ruth Brown <ruth@loevy.com>**Sent:** Friday, November 17, 2023 6:32 PM**To:** Anand Swaminathan <anand@loevy.com>

**Cc:** Kara Hutson <khutson@rfclaw.com>; Bill Oberts <wboberts@tribler.com>; Theresa B. Carney <tcarney@rfclaw.com>; Michele Braun <mbraun@mokblaw.com>; Tim Scahill <tscahill@borkanschahill.com>; Allison L. Romelfanger <ARomelfanger@jsotoslaw.com>; jon@loevy.com; Arthur Loevy <arthur@loevy.com>; Steve Art <Steve@loevy.com>; Annie Prossnitz <prossnitz@loevy.com>; Isabella Aguilar <aguilar@loevy.com>; Locke Bowman <locke@loevy.com>; spence@loevy.com; gee@loevy.com; carbajal@loevy.com; Sean Starr <sean@loevy.com>; Eileen E. Rosen <ERosen@rfclaw.com>; Andrew Grill <agrill@rfclaw.com>; Austin Rahe <arahe@rfclaw.com>; Catherine M. Barber <cbarber@rfclaw.com>; Jessica Zehner <jzehner@rfclaw.com>; Lauren Ferrise <lferrise@rfclaw.com>; Steven Borkan <sborkan@borkanschahill.com>; Emily Schnidt <eschmidt@borkanschahill.com>; Graham Miller <gmiller@borkanschahill.com>; Misha Itchhaporia <mitchhaporia@borkanschahill.com>; Molly Boekeloo <mboekeloo@borkanschahill.com>; Whitney Hutchinson <whutchinson@borkanschahill.com>; kelli.huntsman@cookcountyil.gov; Kevin C. Kirk <kckirk@tribler.com>; Valerie Barajas <valerie@loevy.com>; Hershey Suri <suri@loevy.com>; Grace Boney <boney@loevy.com>; agbiro@loevy.com; Russell Ainsworth <russell@loevy.com>; Lisa M. McElroy <mcelroy@jbltd.com>; Brian P. Gainer <gainerb@jbltd.com>; Ken Battle <kbattle@mokblaw.com>; Dan Stohr <dan@danstohr.com>; Jim Sotos <JSotos@jsotoslaw.com>; Josh M. Engquist <JEngquist@jsotoslaw.com>; Laura M. Ranum <LRanum@jsotoslaw.com>; Alexis M. Gamboa <AGamboa@jsotoslaw.com>; Kyle T. Christie <KChristie@jsotoslaw.com>; David A. Brueggen <DBrueggen@jsotoslaw.com>; Maurice C. Hunt <mhunt@jsotoslaw.com>; Joseph M. Polick <JPolick@jsotoslaw.com>; Jeffrey R. Kivet <JKivet@jsotoslaw.com>; gyamin <gyamin@jsotoslaw.com>; Daniel J. McGinnis <dmcginnis@jsotoslaw.com>; Mark F. Smolens <MSmolens@jsotoslaw.com>; John Timbo <JTimbo@jsotoslaw.com>; Caroline P. Golden <cgolden@jsotoslaw.com>; Elizabeth R. Fleming <efleming@jsotoslaw.com>; Thomas J. Sotos <TSotos@jsotoslaw.com>; Lisa Meador

**Exhibit 1 at 066**

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--

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---

#### 6 attachments



**Nicasio F. Santiago- Affidavit.pdf**  
39K



**Ramon Torres Jr- Affidavit.pdf**  
141K



**Desiree Bandomo- Affidavit.pdf**  
205K



**Sophia Solis- Affidavit.pdf**  
27K



**Thomas Kelly.pdf**  
150K



**Jesus Fuentes.pdf**  
173K



Thanks,  
Anand

I am advised by my office staff that these are the proofs we have from the witnesses at issue

Thanks, and have a nice weekend.



LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority**

Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Wed, Nov 22, 2023 at 1:41 PM

To: Anand Swaminathan &lt;anand@loevy.com&gt;

Cc: Ruth Brown <ruth@loevy.com>, Kara Hutson <khutson@rfclaw.com>, Bill Oberts <wboberts@tribler.com>, "Theresa B. Carney" <tcarny@rfclaw.com>, Michele Braun <mbraun@mokblaw.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <jtimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Anand,

Given the holiday travel and coordination between numerous sets of defense counsel, we aren't going to give you an answer on this until probably Monday.

Thanks and have a great Thanksgiving,

Tim

Sent from my iPhone

On Nov 21, 2023, at 4:59 PM, Anand Swaminathan <anand@loevy.com> wrote:

Counsel, we have had a chance to review and compare the parties' respective emails from Friday.

Overall, our latest proposal involves Plaintiffs giving Defendants four witnesses Plaintiffs had served and noticed first (three of whom Defendants specifically requested), in exchange for Defendants giving Plaintiffs just two witnesses Defendants had noticed first. In addition to a global resolution, we have also offered case-specific compromises to attempt to narrow the disputes between the parties.

It appears the primary witnesses at issue are Daniel Violante, Melloney Parker, and possibly Javier Cruz and Scott Thurmond. As to those witnesses, the Hernandez Plaintiffs are not willing to trade Daniel Violante, given his importance to the case. Plaintiff served him first, noticed him first, and we do not think witness alignment favors Defendants, given that he has given

**Exhibit 1 at 070**



LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority****Anand Swaminathan** <anand@loevy.com>

Wed, Nov 22, 2023 at 2:14 PM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Cc: Ruth Brown <ruth@loevy.com>, Kara Hutson <khutson@rfclaw.com>, Bill Oberts <wboberts@tribler.com>, "Theresa B. Carney" <tcarny@rfclaw.com>, Michele Braun <mbraun@mokblaw.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <jtimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Monday is fine.

Happy Thanksgiving - hope everyone enjoys some time away.

On Wed, Nov 22, 2023 at 1:41 PM Tim Scahill &lt;TScahill@borkanscahill.com&gt; wrote:

Anand,

Given the holiday travel and coordination between numerous sets of defense counsel, we aren't going to give you an answer on this until probably Monday.

Thanks and have a great Thanksgiving,

Tim

Sent from my iPhone

On Nov 21, 2023, at 4:59 PM, Anand Swaminathan &lt;anand@loevy.com&gt; wrote:

Counsel, we have had a chance to review and compare the parties' respective emails from Friday.

Overall, our latest proposal involves Plaintiffs giving Defendants four witnesses Plaintiffs had served and noticed first (three of whom Defendants specifically requested), in exchange for Defendants giving Plaintiffs just two witnesses Defendants had noticed first. In addition to a global resolution, we have also offered case-specific compromises to attempt to narrow the disputes between the parties.

**Exhibit 1 at 071**

LOEVY+ LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority****Anand Swaminathan** <anand@loevy.com>

Wed, Nov 29, 2023 at 1:35 PM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Cc: Ruth Brown <ruth@loevy.com>, Kara Hutson <khutson@rfclaw.com>, Bill Oberts <wboberts@tribler.com>, "Theresa B. Carney" <tcarny@rfclaw.com>, Michele Braun <mbraun@mokblaw.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <jtimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Tim, you had indicated you'd be back to us on Monday. Please advise.

Thanks,  
Anand

On Wed, Nov 22, 2023 at 2:14 PM Anand Swaminathan <anand@loevy.com> wrote:

Monday is fine.

Happy Thanksgiving - hope everyone enjoys some time away.

On Wed, Nov 22, 2023 at 1:41 PM Tim Scahill <TScahill@borkanscahill.com> wrote:

Anand,

Given the holiday travel and coordination between numerous sets of defense counsel, we aren't going to give you an answer on this until probably Monday.

Thanks and have a great Thanksgiving,

Tim

Sent from my iPhone

On Nov 21, 2023, at 4:59 PM, Anand Swaminathan <anand@loevy.com> wrote:

Counsel, we have had a chance to review and compare the parties' respective emails from Friday.

Overall, our latest proposal involves Plaintiffs giving Defendants four witnesses Plaintiffs had served and noticed first (three of whom Defendants specifically requested), in exchange

**Exhibit 1 at 072**

LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority**

Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Wed, Nov 29, 2023 at 4:37 PM

To: Anand Swaminathan &lt;anand@loevy.com&gt;

Cc: Ruth Brown <ruth@loevy.com>, Kara Hutson <khutson@rfclaw.com>, Bill Oberts <wboberts@tribler.com>, "Theresa B. Carney" <tcarny@rfclaw.com>, Michele Braun <mbraun@mokblaw.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroy@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <jtimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Hey Anand, I will circle back with you on this tomorrow

Sent from my iPhone

On Nov 29, 2023, at 1:36 PM, Anand Swaminathan <anand@loevy.com> wrote:

Tim, you had indicated you'd be back to us on Monday. Please advise.

Thanks,  
Anand

On Wed, Nov 22, 2023 at 2:14 PM Anand Swaminathan <anand@loevy.com> wrote:

Monday is fine.

Happy Thanksgiving - hope everyone enjoys some time away.

On Wed, Nov 22, 2023 at 1:41 PM Tim Scahill <TScahill@borkanscahill.com> wrote:

Anand,

Given the holiday travel and coordination between numerous sets of defense counsel, we aren't going to give you an answer on this until probably Monday.

Thanks and have a great Thanksgiving,

Tim

Sent from my iPhone

**Exhibit 1 at 073**

LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority**

Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Thu, Nov 30, 2023 at 3:59 PM

To: Anand Swaminathan &lt;anand@loevy.com&gt;

Cc: Ruth Brown <ruth@loevy.com>, Kara Hutson <khutson@rfclaw.com>, Bill Oberts <wboberts@tribler.com>, "Theresa B. Carney" <tcarny@rfclaw.com>, Michele Braun <mbraun@mokblaw.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivet" <JKivet@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <jtimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Anand,

I spoke too soon before consulting all defense teams on this for timing. We will get back with tomorrow. Sorry for the delay.

Tim

Sent from my iPhone

On Nov 29, 2023, at 4:37 PM, Tim Scahill <TScahill@borkanscahill.com> wrote:

Hey Anand, I will circle back with you on this tomorrow

Sent from my iPhone

On Nov 29, 2023, at 1:36 PM, Anand Swaminathan <anand@loevy.com> wrote:

Tim, you had indicated you'd be back to us on Monday. Please advise.

Thanks,  
Anand

On Wed, Nov 22, 2023 at 2:14 PM Anand Swaminathan <anand@loevy.com> wrote:

Monday is fine.

Happy Thanksgiving - hope everyone enjoys some time away.

**Exhibit 1 at 074**

LOEVY + LOEVY

**Ruth Brown** <ruth@loevy.com>

## Guevara Cases- Deposition Priority

**Tim Scahill** <TScahill@borkanscahill.com>

Fri, Dec 1, 2023 at 5:07 PM

To: Anand Swaminathan <anand@loevy.com>

Cc: Ruth Brown <ruth@loevy.com>, Kara Hutson <khutson@rfclaw.com>, Bill Oberts <wboerts@tribler.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Michele Braun <mbraun@mokblaw.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <lferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschmidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyiil.gov" <kelli.huntsman@cookcountyiil.gov>, "Kevin C. Kirk" <kkirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <jtimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsel,

We appreciate the time and effort that everyone has put in on these issues over the past weeks. However, as we have articulated many times, we believe reaching a global resolution of these issues across these cases is the best way for us all to move forward quickly and efficiently. It does not appear that we have made much substantive headway in that endeavor as the parties appear too entrenched in their positions on many issues and many witnesses. Resolving one or two witnesses piecemeal is still going to end up with dozens of other disputes. At this point, we would propose that we enlist the assistance of a magistrate to give us guidance across the board on the relevant cases and that we all just live with whatever they decide on the matter by assigning witnesses, telling us what notice will govern, or allocating witnesses in some other way. Please advise whether you are willing to discuss this as an option to resolving all of these disputes on these cases and we can discuss next week.

Thanks and have a nice weekend,

Timothy P. Scahill

Borkan & Scahill, Ltd.

## Two First National Plaza

20 South Clark Street

Suite 1700

Chicago, Illinois 60603

**Exhibit 1 at 075**



LOEVY+LOEVY

Ruth Brown &lt;ruth@loevy.com&gt;

**Guevara Cases- Deposition Priority**

Ruth Brown &lt;ruth@loevy.com&gt;

Wed, Dec 6, 2023 at 5:06 PM

To: Tim Scahill &lt;TScahill@borkanscahill.com&gt;

Cc: Anand Swaminathan <anand@loevy.com>, Kara Hutson <khutson@rfclaw.com>, Bill Oberts <wboberts@tribler.com>, "Theresa B. Carney" <tcarney@rfclaw.com>, Michele Braun <mbraun@mokblaw.com>, "Allison L. Romelfanger" <ARomelfanger@jsotoslaw.com>, "jon@loevy.com" <jon@loevy.com>, Arthur Loevy <arthur@loevy.com>, Steve Art <Steve@loevy.com>, Annie Prossnitz <prossnitz@loevy.com>, Isabella Aguilar <aguilar@loevy.com>, Locke Bowman <locke@loevy.com>, "spence@loevy.com" <spence@loevy.com>, "gee@loevy.com" <gee@loevy.com>, "carbajal@loevy.com" <carbajal@loevy.com>, Sean Starr <sean@loevy.com>, "Eileen E. Rosen" <ERosen@rfclaw.com>, Andrew Grill <agrill@rfclaw.com>, Austin Rahe <arahe@rfclaw.com>, "Catherine M. Barber" <cbarber@rfclaw.com>, Jessica Zehner <jzehner@rfclaw.com>, Lauren Ferrise <ferrise@rfclaw.com>, Steven Borkan <sborkan@borkanscahill.com>, Emily Schnidt <eschnidt@borkanscahill.com>, Graham Miller <GMiller@borkanscahill.com>, Misha Itchhaporia <MItchhaporia@borkanscahill.com>, Molly Boekeloo <MBoekeloo@borkanscahill.com>, Whitney Hutchinson <WHutchinson@borkanscahill.com>, "kelli.huntsman@cookcountyil.gov" <kelli.huntsman@cookcountyil.gov>, "Kevin C. Kirk" <kckirk@tribler.com>, Valerie Barajas <valerie@loevy.com>, Hershey Suri <suri@loevy.com>, Grace Boney <boney@loevy.com>, "agbiro@loevy.com" <agbiro@loevy.com>, Russell Ainsworth <russell@loevy.com>, "Lisa M. McElroy" <mcelroyl@jbltd.com>, "Brian P. Gainer" <gainerb@jbltd.com>, Ken Battle <kbattle@mokblaw.com>, Dan Stohr <dan@danstohr.com>, Jim Sotos <JSotos@jsotoslaw.com>, "Josh M. Engquist" <JEngquist@jsotoslaw.com>, "Laura M. Ranum" <LRanum@jsotoslaw.com>, "Alexis M. Gamboa" <AGamboa@jsotoslaw.com>, "Kyle T. Christie" <KChristie@jsotoslaw.com>, "David A. Brueggen" <DBrueggen@jsotoslaw.com>, "Maurice C. Hunt" <mhunt@jsotoslaw.com>, "Joseph M. Polick" <JPolick@jsotoslaw.com>, "Jeffrey R. Kivetz" <JKivetz@jsotoslaw.com>, gyamin <gyamin@jsotoslaw.com>, "Daniel J. McGinnis" <DMcGinnis@jsotoslaw.com>, "Mark F. Smolens" <MSmolens@jsotoslaw.com>, John Timbo <jtimbo@jsotoslaw.com>, "Caroline P. Golden" <CGolden@jsotoslaw.com>, "Elizabeth R. Fleming" <efleming@jsotoslaw.com>, "Thomas J. Sotos" <TSotos@jsotoslaw.com>, Lisa Meador <LMeador@jsotoslaw.com>, Valerie Stubbe <VStubbe@jsotoslaw.com>

Counsel:

We are disappointed that after this long conferral process spanning three months, we are unable to reach agreement, not only globally but on any individual cases or depositions.

Plaintiffs have offered many trades, both global and smaller trades to merely narrow the issues (see emails on Nov. 8, Nov. 17), but Defendants have refused them all. For their part, Defendants have offered a single proposed global trade on November 8, revised on Nov. 17, and nothing else, including no modifications to Defendants' proposal in response to our Nov. 17 counters, and no case-specific or other individual proposed trades.

That said, it appears we all agree that we are at impasse. Given that each presiding judge may have different views on this issue, as well as the witness-specific circumstances at issue in each case (e.g., out of state/unavailable for trial, recantations, etc.), and the desire to avoid any delay, we do not agree that we can simply enlist one magistrate to provide guidance.

At this point, we intend to move to compel the Defendants to allow us to proceed with certain depositions. If your position has changed and you are still interested in reaching a compromise in any particular case, we are, of course, open to doing so. Please let us know, and we can continue to discuss - if an agreement is reached, we can then withdraw the applicable motion(s).

Now that the parties have agreed that we are at impasse, our mutual and temporary agreement to hold off on serving witnesses and serving additional deposition notices is no longer in force. Please be advised that we are recommencing our efforts to serve previously noticed but as-yet-unserved witnesses with subpoenas.

With regard to additional depositions not yet noticed by any party, we reiterate our proposal of November 17 to which Defendants have not yet responded. Please let us know if you are available to discuss. In the coming weeks, we intend to notice/subpoena the depositions of, for example, the third party officers and prosecutors listed on the parties' Rule 26(a)(1) disclosures; and likewise, we assume Defendants will want to depose defense attorneys and damages witnesses, and we agree Defendants can go first with them. We would like to get on the same page about that process.

We appreciate everyone's efforts to try to find a compromise.

**Exhibit 1 at 076**